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Atomic Energy Commission
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Delaware River Basin Commission
Environmental Protection Agency
Federal Home Loan Bank Board
Federal Insurance Administration
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SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 23d Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Sections 309.1—309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.	Findings.
309.1	Findings.
309.2	Scope.

BASIC VALUES

309.3	Vessels built during or after 1939.
309.4	Vessels built prior to 1939.

GENERAL PROVISIONS

309.5	Adjustments for condition, equipment and other considerations.
309.6	Definitions.
309.7	Modifications.
309.8	Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101	Values effective July 1, 1970.
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AUTHORITY: Sections 309.1 through 309.101 issued under sec. 304, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3 of (Commerce) Department Organization Order 25-2A (formerly Department Order 117-A) 31 F.R. 8087, 35 F.R. 115, and redelegated to the Ship Valuation Committee.

§ 309.2 Scope.

(a) *Vessels included.* (1) This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1294). The values established by §§ 309.1—309.101 represent the maximum amounts for

which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period July 1, 1970, to December 31, 1970, inclusive, under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended): *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after January 1, 1971, to be effective with respect to insurance attaching during the period January 1, 1971, to June 30, 1971, inclusive.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, Mar. 4, 1964; 29 F.R. 3706, Mar. 25, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
EC2-S-C1	\$180,000
EC2-S-AW1	180,000
VC2-S-AP2	245,000
C1-M-AV1	145,000
C1-A and B (Steam)	220,000
C1-A and B (Diesel)	220,000
C2-S-B1	270,000
C3-S-A2	550,000
C4-S-B5	950,000
T1-M-BT	125,000
T2-SE-A1	500,000
T3-S-BZ1	805,000
T3-S-A1	420,000

(2) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
VC2-S-AP2	\$230,000
T2-SE-A1	435,000

(3) The values of the standard types of war-built vessels under foreign-flag listed in this subparagraph (3) (which are in the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable U.S.-flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
T2-SE-A1	\$435,000
T3-S-A1	400,000

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under U.S. flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under the U.S. flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4).

TABLE

Subtype:	Factor
VC2-S-AP3	100%—VC2-S-AP2
C2-S-A1	80%—C2-S-B1
C2-S-AJ1	100%—C2-S-B1
C2-S-AJ2	100%—C2-S-B1
C2-S-AJ3	100%—C2-S-B1
C2-S-AJ5	100%—C2-S-B1
C2	88%—C2-S-B1
C2-S-E1	102%—C2-S-B1
C2-F	100%—C2-S-B1
C2-S	92%—C2-S-B1
C3	90%—C3-S-A2
C3-S-A1	100%—C3-S-A2
C3-S-A3	76%—C3-S-A2
C3-S-A4	106%—C3-S-A2
C3-S-A5	106%—C3-S-A2
C3-E	71%—C3-S-A2
C3-M	100%—C3-S-A2
C3-S-BH1	100%—C3-S-A2
C3-S-BH2	100%—C3-S-A2
C4-S-A4	100%—C4-S-B5
T1-M-BT1	100%—T1-M-BT
T1-M-BT2	100%—T1-M-BT
T2-SE-A2	108%—T2-SE-A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determined that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of \$50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1–309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1966, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Rev.).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A-1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the U.S. Coast Guard, Department of Transportation, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respect fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Inventory Books Forms MA-4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, NY 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, DC 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross

tons or more shall be submitted on Form MA-510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA-511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Values effective July 1, 1970.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3–309.5 constitute just compensation for the vessel to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1970, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1970, to December 31, 1970, inclusive: *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: *And provided further,* That the Assured shall have the right within 60 days after date of publication of these §§ 309.1–309.101 or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	231702	\$7,420
1660	Adabelle Lykes	291699	3,310
2144	Afoundria	211018	1,640
1426	African Comet	259231	3,085
720	African Crescent	259561	1,550
1633	African Dawn	291781	4,110
725	African Lightning	251451	550
1553	African Mercury	290143	4,050
1563	African Meteor	289792	3,995
728	African Moon	251176	550
1697	African Neptune	290185	4,050
730	African Planet	219360	550
731	African Rainbow	259110	550
732	African Star	219351	550
1658	African Sun	291633	4,110
1751	Alma Lykes	292414	3,310
2501	Alaskan Mail	517120	7,700
2452	Albany	609557	1,275
1823	Allison Lykes	293317	3,310
1552	Alma Victory	218201	245
370	Almeria Lykes	219360	550
352	Aloha State	213297	550
2533	American Astronaut	620674	8,385
1493	American Challenger	283660	4,050
1618	American Champion	290521	4,050
1557	American Charger	290050	4,050
1652	American Chieftain	291020	4,050
1972	American Concor	252347	550

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1670	American Corsair	291629	\$4,050	2227	Connecticut	277231	\$3,045	632	F. S. Bryant	276827	\$475
1605	American Courier	290225	4,050	2228	Constitution State	271847	270	633	Gaines Mill	244604	1,455
831	American Eagle	278327	5,665	712	Copper State	241817	250	648	Garden State	243507	245
1769	American Falcon	262524	550	2735	Coral Gem	245815	270	239	Gateway City	251706	1,540
534	American Forester	248074	270	1987	Cortez	247225	245	2421	Genesee Lykes	513101	5,170
1791	American Hawk	243950	550	2463	Cortland	245878	270	384	Gibbs Lykes	245182	270
2446	American Lancer	514261	8,385	713	Cotton State	248479	245	423	Golden Bear	260628	2,725
2550	American Lark	518444	8,385	1305	Council Grove	247629	1,650	325	Gopher State	244579	550
2466	American Legion	515155	8,385	2349	C. V. Lightning	515053	8,005	2753	Green Bay	245912	1,275
2485	American Liberty	516464	8,385	2450	C. V. Sea Witch	515054	8,005	2765	Green Cove	247223	270
2518	American Lynx	517450	8,385	2623	C. V. Stagbound	515055	8,005	2768	Green Forest	505061	1,310
2740	American Mail	521856	7,700	2705	David D. Irwin	247224	2,650	855	Green Harbour	247730	625
1688	American Oriole	252304	550	212	David E. Day	248330	1,655	2710	Green Island	247679	625
2236	American Pride	247252	245	2449	Da Gama	249174	270	2305	Green Lake	247500	1,275
1924	American Racer	297001	5,120	221	Delaware Getty	249297	3,040	639	Green Mountain State	247153	245
1989	American Ranger	298270	5,120	105	Delaware Sun	249335	3,100	219	Green Port	510105	1,310
2039	American Reliance	293371	5,120	330	Del Mar	249422	335	2712	Green Ridge	247322	550
1679	American Robin	242041	550	332	Del Norte	249433	335	2715	Green Springs	245701	1,310
1902	American Trader	244855	4,040	1235	Del Oro	249485	3,880	2718	Green Valley	247730	625
2285	Americo	246738	270	324	Del Rio	249490	3,880	217	Green Wave	505060	1,310
1485	Amoco Connecticut	242551	1,435	327	Del Sol	249491	3,880	153	Gulf Breeze	247249	3,400
1483	Amoco Delaware	245053	1,445	328	Del Sud	249492	3,880	79	Gulfport	247249	1,355
1768	Amoco Louisiana	244329	1,545	230	Delta Argentina	516233	4,425	791	Gulfstream	247249	1,355
1484	Amoco New York	244801	1,545	2497	Delta Brazil	516234	4,425	52	Gulfview	247249	1,355
1486	Amoco Virginia	243518	1,545	2632	Delta Mexico	516235	4,425	73	Gulfview	247249	1,355
641	Am-tank	247038	885	2498	Delta Paraguay	516236	4,425	180	Gulfview	247249	1,355
2211	Andrew Jackson	247333	275	2499	Delta Uruguay	516237	4,425	734	Gulfview	247249	1,355
2212	Antinous	245979	275	329	De Valle	247338	270	735	Gulfview	247249	1,355
678	Arizona	260534	2,435	2215	De Soto	247339	270	736	Gulfview	247249	1,355
2115	Arizona	251507	1,540	370	Doctor Lykes	247340	270	737	Gulfview	247249	1,355
1444	Arizona Standard	245756	590	2330	Dolly Turman	516373	4,005	883	Gulfview	247249	1,355
1776	Ashley Lykes	245756	590	2778	Eagle Charter	516374	11,000	102	Gulfview	247249	1,355
232	Atlantic Communicator	247623	3,340	700	Eagle Courier	516375	8,105	73	Gulfview	247249	1,355
232	Atlantic Endeavor	247623	5,065	2388	Eagle Leader	516376	11,400	739	Gulfview	247249	1,355
234	Atlantic Engineer	261167	2,890	630	Eagle Transporter	516377	8,400	800	Gulfview	247249	1,355
1004	Atlantic Enterprise	261911	5,010	637	Eagle Traveler	516378	8,400	801	Gulfview	247249	1,355
1848	Atlantic Heritage	263290	11,040	638	Eagle Voyager	516379	8,400	802	Gulfview	247249	1,355
1006	Atlantic Navigator	261423	2,915	167	Eastern Sun	516380	3,340	803	Gulfview	247249	1,355
1560	Atlantic Prestige	260972	6,995	187	Eclypsa	516381	2,810	811	Gulfview	247249	1,355
2209	Atlantic Trader	245007	1,535	378	Elizabeth Lykes	516382	270	1003	Gulfview	247249	1,355
418	Attleboro Victory	247475	230	2389	Elizabeth Lykes	516383	4,770	883	Gulfview	247249	1,355
1435	Austin	247455	2,025	1917	Elizabethport	516384	3,455	886	Gulfview	247249	1,355
2040	Australian Reef	244020	282	1623	Elwell	516385	270	1338	Gulfview	247249	1,355
2631	Austral Patriot	500339	5,120	705	Empire State	247322	270	804	Gulfview	247249	1,355
2632	Austral Pilot	297353	5,120	2451	Ericson	247323	270	1833	Gulfview	247249	1,355
210	Avila	267181	1,160	850	Erma Elizabeth	516386	5,800	2779	Gulfview	247249	1,355
2586	Azalea City	243436	1,540	2335	Esso Baltimore	516387	5,775	2385	Gulfview	247249	1,355
707	Badger State	245126	270	234	Esso Bangor	516388	3,125	616	Gulfview	247249	1,355
980	Barbara	248079	1,955	2335	Esso Boston	516389	5,800	2423	Gulfview	247249	1,355
347	Barbara Jane	278103	5,035	2336	Esso Chester	516390	2,800	412	Gulfview	247249	1,355
705	Bay State	254012	270	2337	Esso Dallas	516391	2,800	2777	Gulfview	247249	1,355
949	Bay State	254130	270	2338	Esso Florence	516392	3,070	1421	Gulfview	247249	1,355
1915	Beauregard	251503	1,540	2339	Esso Gettysburg	516393	3,070	2343	Gulfview	247249	1,355
2482	Bennington	242406	500	2340	Esso Gloucester	516394	3,070	2344	Gulfview	247249	1,355
607	Bethfor	256034	1,500	2341	Esso Houston	516395	3,070	2345	Gulfview	247249	1,355
608	Bethfor	255539	1,500	2342	Esso Huntington	516396	3,070	2346	Gulfview	247249	1,355
419	Biddleford Victory	248433	230	2343	Esso Jamestown	516397	3,070	2347	Gulfview	247249	1,355
2587	Bienville	243438	1,540	2344	Esso Lexington	516398	3,070	2348	Gulfview	247249	1,355
710	Blue Grass State	253866	270	2345	Esso Lima	516399	3,070	2349	Gulfview	247249	1,355
1816	Bradford Island	247640	500	2346	Esso Miami	516400	3,070	2350	Gulfview	247249	1,355
1490	Brazos	247583	3,125	2347	Esso Newark	516401	3,070	1445	Gulfview	247249	1,355
1414	Briton Lykes	288699	3,340	2348	Esso New Orleans	516402	3,070	855	Gulfview	247249	1,355
2553	Buckeye Atlantic	239271	550	2349	Esso New York	516403	3,070	856	Gulfview	247249	1,355
2559	Buckeye Pacific	251767	550	2350	Esso Scranton	516404	3,070	857	Gulfview	247249	1,355
353	Buckeye State	244577	550	1853	Esso Seattle	516405	4,230	1573	Gulfview	247249	1,355
2587	Buckeye Victory	245244	245	2351	Esso Washington	516406	6,005	639	Gulfview	247249	1,355
1348	California	267232	4,375	844	Evergreen State	516407	4,230	1513	Gulfview	247249	1,355
425	California Bear	266977	2,455	845	Evergreen State	516408	4,230	631	Gulfview	247249	1,355
19	Californian	243882	2,920	846	Exbreck	516409	4,230	431	Gulfview	247249	1,355
297	Californian	249239	2,105	847	Exbreck	516410	4,230	222	Gulfview	247249	1,355
1949	Calmar	249756	3,550	848	Exbreck	516411	4,230	706	Gulfview	247249	1,355
1974	Canada Mail	297570	4,745	849	Exbreck	516412	4,230	170	Gulfview	247249	1,355
2390	Canterbury Falcon	247590	270	850	Exbreck	516413	4,230	171	Gulfview	247249	1,355
1370	Canterbury	247452	2,000	851	Exbreck	516414	4,230	239	Gulfview	247249	1,355
7	Carbide Seadrift	241851	1,700	852	Exbreck	516415	4,230	240	Gulfview	247249	1,355
8	Carbide Texas City	242532	1,700	853	Exbreck	516416	4,230	241	Gulfview	247249	1,355
2735	Carrier Dove	262478	550	1236	Export Banner	516417	4,000	242	Gulfview	247249	1,355
596	Catawba Ford	245620	735	1237	Export Bay	516418	4,000	243	Gulfview	247249	1,355
1600	C. E. Dant	290262	4,375	1238	Export Builder	516419	4,000	244	Gulfview	247249	1,355
1931	Chancellorville	244400	1,890	1401	Export Buyer	516420	4,000	63	Gulfview	247249	1,355
373	Charles Lykes	248457	270	1723	Export Challenger	516421	4,000	67	Gulfview	247249	1,355
1753	Charlotte Lykes	242782	3,340	1771	Export Champion	516422	4,000	432	Gulfview	247249	1,355
2374	Chatham	252493	270	1712	Export Commerce	516423	4,000	245	Gulfview	247249	1,355
243	Chena	242704	194	1691	Export Courier	516424	4,000	1767	Gulfview	247249	1,355
597	Cherry Valley	242531	500	854	Exportier	516425	4,000	537	Gulfview	247249	1,355
1408	China Bear	258804	5,005	2735	Exprise	516426	4,000	414	Gulfview	247249	1,355
2575	Choctaw	242785	270	2338	Fairland	516427	1,540	433	Gulfview	247249	1,355
1783	Christopher Lykes	293220	3,340	2106	Fairport	516428	270	1418	Gulfview	247249	1,355
1813	Cities Service Baltimore	271856	5,160	2457	Falmouth	516429	270	1234	Gulfview	247249	1,355
1814	Cities Service Miami	272077	4,885	2376	Fanwood	516430	270	1235	Gulfview	247249	1,355
1815	Cities Service Norfolk	272839	4,880	123	Floridian	516431	270	2316	Gulfview	247249	1,355
2569	Citrus Packer	247321	550	1469	Flying Clipper	516432	270	333	Gulfview	247249	1,355
2214	City of Alma	247592	270	1489	Flying Cloud	516433	270	670	Gulfview	247249	1,355
2140	Clalborne	242378	270	1470	Flying Endeavor	516434	270	671	Gulfview	247249	1,355
2714	Jolina	242775	500	1471	Flying Enterprise II	516435	270	672	Gulfview	247249	1,355
2237	Colorado	245104	500	1472	Flying Fish	516436	270	673	Gulfview	247249	1,355
2478	Colorado	515976	6,075	2235	Flying Foam	516437	270	674	Gulfview	247249	1,355
2540	Columbia	247519	1,000	1471	Flying Hawk	516438	270	675	Gulfview	247249	1,355
2377	Columbia Banker	248842	245	634	Fort Fetterman	516439	1,640	676	Gulfview	247249	1,355
2479	Columbia Baron	245377	270	1211	Fort Haskins	516440	1,640	415	Gulfview	247249	1,355
2561	Columbia Beaver	252443	270	247	Fortuna	516441	150	2321	Gulfview	247249	1,355
2414	Columbia Eagle	247050	245	180	Fort Worth	516442	1,640	677	Gulfview	247249	1,355
2474	Columbia Tiger	252445	270	433	Four Lakes	516443	1,640	678	Gulfview	247249	1,355
2582	Columbia Trader	247765	245	1630	Fra Burlanga	516444	270	679	Gulfview	247249	1,355
1997	Commander	245309	1,850	380	Frank Lykes	516445	270	680	Gulfview	247249	1,355
				2399	Frederick Lykes	516446	4,005				

RULES AND REGULATIONS

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1030	Kings Point	239334	\$495	268	Northwestern Victory	247492	\$245	2370	Santa Barbara	509189	\$1,070
434	Korea Bear	203663	2,725	269	Oceanic Tide	244612	270	2296	Santa Clara	506219	4,970
2665	Korean Mail	518517	7,700	2614	Ogden Wabash	520728	11,400	2257	Santa Cruz	504631	4,970
2223	Kyska	243554	275	2591	Ogden Willamette	518733	11,245	2314	Santa Elena	507630	4,970
2615	Lafayette	252476	550	1375	Oregon	287875	4,376	2237	Santa Elena	501812	550
2470	La Salle	257231	550	435	Oregon Bear	284497	2,455	630	Santa Fe	216692	220
13	Leland I. Dean	284217	7,850	1947	Oregon Standard	260779	4,685	900	Santa Flavia	212762	270
1352	Leslie Lykes	287416	3,215	971	Oregon Standard	243773	500	2376	Santa Isabel	510770	4,970
2403	Letitia Lykes	512187	5,170	2465	Overseas Alice	514928	10,780	2165	Santa Juana	512111	270
392	Lipscomb Lykes	248897	550	1827	Overseas Anna	266610	2,970	1574	Santa Lucia	290270	4,970
2374	Lompoc	248653	500	2506	Overseas Audrey	517186	10,985	211	Santa Magdalena	263781	0,725
267	Longview Victory	247077	245	2344	Overseas Carrier	243503	1,765	1756	Santa Maria	292438	0,725
1918	Los Angeles	241153	3,585	2443	Overseas Daphne	243882	950	1678	Santa Mariana	291811	0,295
393	Louise Lykes	247582	270	2112	Overseas Dinny	244215	270	1830	Santa Mercedes	293943	0,725
2062	Louise Lykes	209933	4,770	2427	Overseas Eva	244049	550	2285	Santa Regina	210318	495
2023	Louisiana Brimstone	247757	5,100	931	Overseas Evelyn	249217	950	803	Santa Victoria	215130	220
226	Louisiana Getty	246173	3,270	1764	Overseas Explorer	297748	1,870	2355	Scalfer	506676	2,435
367	Louisiana Sulphur	242964	1,120	1	Overseas Joyce	284069	8,485	1970	Scammar	294729	3,660
179	Lyons Creek	245450	735	2411	Overseas Natalie	245644	550	2304	Scatrain Carolina	216069	0,325
2224	Madaket	246902	275	2352	Overseas Progress	244888	1,860	2291	Scatrain Delaware	24582	3,620
2039	Malden Creek	248998	275	1905	Overseas Rebecca	281777	8,595	2300	Scatrain Florida	503320	0,325
2233	Mallory Lykes	504077	4,770	785	Overseas Rose	245923	550	65	Scatrain Georgia	262559	860
1356	Manhattan	287253	23,000	2444	Overseas Suzanne	248834	950	66	Scatrain Louisiana	262435	860
1809	Margaret Lykes	293555	3,340	2343	Overseas Traveler	289436	2,040	2346	Scatrain Maine	504714	5,325
2284	Marine Chemical Transporter	244942	760	932	Overseas Ulla	280004	6,505	2329	Scatrain Maryland	215243	6,325
2087	Marine Clipper	248655	405	2537	Overseas Vivian	518125	11,130	67	Scatrain New Jersey	234683	435
15	Marine Dow Chem	267278	4,970	717	Palmetto State	247823	245	63	Scatrain New York	231005	235
1610	Marine Electric	245675	1,990	181	Pasadena	248894	2,240	2305	Scatrain Puerto Rico	216925	5,325
2133	Marine Floridian	246936	5,240	1272	P. C. Spencer	264903	2,610	2270	Scatrain San Juan	215623	3,620
1812	Marine Texan	247563	4,940	2765	Peary	247463	2,030	69	Scatrain Savannah	231910	255
92	Marine Transport	247991	180	2121	Pecos	243929	550	70	Scatrain Texas	235549	435
93	Marine Victory	247630	1,125	1592	Penn Carrier	246908	500	2357	Scatrain Washington	215469	5,325
1613	Marjorie Lykes	289873	3,340	339	Penn Challenger	280318	6,105	1610	Sheldon Lykes	200508	3,340
694	Maryland Trader	247178	1,555	2745	Penn Champion	523341	11,635	1428	Shirley Lykes	289243	3,340
2280	Marymar	247470	3,560	1954	Pennmar	235103	3,560	2653	Sierra	217831	550
1789	Mayo Lykes	243406	4,965	1860	Penn Sailor	276391	1,455	2615	Silver Eagle	215634	245
1612	Mayowoodbrook	293224	3,340	171	Pennsylvania Sun	280202	8,625	2164	Silver Falcon	218965	230
969	M. E. Lombard	289879	2,040	1003	Penn Transporter	219437	1,070	2780	Silver Robin	215334	245
2543	Merrimac	240228	2,030	1367	Perryville	244044	1,845	1714	Sinclair Texas	501000	0,955
1634	Metapan	245673	540	531	Phillipine Bear	287683	5,005	1256	Sister Katung	277030	5,000
2630	Michigan	252153	640	1419	Phillipine Mail	288986	4,290	2722	Socony Vacuum	268891	3,230
637	Mill Spring	521550	0,675	1653	Pine Tree State	262346	550	932	Solon Turman	285889	3,245
2033	Missouri	244463	1,535	1750	Pioneer Commander	290905	4,050	2659	Sonoma	262113	550
1630	M. M. Dant	248885	1,480	1715	Pioneer Contender	292572	4,050	357	Sooner State	217139	270
188	Mobil Aero	289547	4,375	562	Pioneer Contractor	291038	4,050	2189	Spirit of Liberty	516321	10,935
189	Mobil Fuel	278471	5,315	1774	Pioneer Cove	249748	270	439	Steel Admiral	232103	550
190	Mobilgas	274588	4,835	1432	Pioneer Crusader	292930	4,050	440	Steel Advocate	215731	550
2483	Mobilian	271449	4,190	2122	Pioneer Moon	289263	4,050	441	Steel Age	211161	550
191	Mobil Lube	246388	550	1953	Platte	241333	2,035	442	Steel Architect	217168	550
2442	Mobil Meridian	276551	4,665	1990	Point Sur	243263	500	443	Steel Artist	217833	550
192	Mobil Oil	286479	8,725	1505	Portman	24731	3,560	444	Steel Chemist	232937	550
193	Mobil Power	279064	5,385	2466	Potomac	248800	1,780	445	Steel Designer	217832	550
2405	Mohawk	274966	4,850	1390	Prairie Grove	246660	2,105	446	Steel Director	217831	550
2095	Mon Pass	248913	1,240	499	President Adams	266607	2,725	447	Steel Executive	217832	550
2495	Montana	2389	435	500	President Arthur	264704	2,725	448	Steel Fabricator	217831	550
2797	Monticello Victory	517617	0,675	501	President Buchanan	226017	2,725	449	Steel Flyer	214331	550
2793	Montpelier Victory	268619	8,760	503	President Coolidge	267733	2,725	450	Steel King	232199	550
2694	Mormacaltair	289745	10,010	2447	President Fillmore	513860	5,850	451	Steel Maker	217221	550
2087	Mormacargo	298129	4,690	505	President Garfield	266092	2,725	452	Steel Navigator	218340	550
2695	Mormacbay	296216	4,690	2330	President Grant	511226	5,850	453	Steel Rover	232500	550
2696	Mormacape	293541	3,755	521	President Harding	245276	583	454	Steel Scientist	215730	550
2698	Mormacape	284185	3,830	2148	President Harrison	502589	4,680	455	Steel Scavenger	219733	550
2699	Mormacape	284185	3,830	503	President Hayes	264446	2,725	456	Steel Surveyor	214968	550
2699	Mormacape	284185	3,830	506	President Hoover	218424	583	457	Steel Traveler	217108	550
2699	Mormacape	284185	3,830	511	President Jackson	260000	2,725	458	Steel Vendor	216164	550
2699	Mormacape	284185	3,830	514	President Lincoln	285311	5,305	459	Steel Voyager	232501	550
2699	Mormacape	284185	3,830	517	President Madison	249683	583	460	Steel Worker	217834	550
2699	Mormacape	284185	3,830	2116	President McKinley	512593	5,850	461	Steel Worker	217834	550
2699	Mormacape	284185	3,830	2113	President Monroe	501712	4,680	462	Stella Lykes	247604	270
2699	Mormacape	284185	3,830	519	President Pierce	243619	583	2218	Stella Lykes	504982	4,965
2699	Mormacape	284185	3,830	2084	President Polk	500484	4,500	403	Sue Lykes	218145	270
2699	Mormacape	284185	3,830	2338	President Taft	511653	5,850	2131	Susquehanna	219334	270
2699	Mormacape	284185	3,830	522	President Taylor	266927	2,725	404	Sylvia Lykes	217841	270
2699	Mormacape	284185	3,830	1208	President Tyler	280232	5,305	2723	Syosset	217158	2,490
2699	Mormacape	284185	3,830	2359	President Van Buren	505531	5,850	1115	Tampico	246344	2,105
2699	Mormacape	284185	3,830	919	Producer	245888	1,940	235	Tatalina	217995	145
2699	Mormacape	284185	3,830	228	Providencia Getty	254639	125	463	Texas California	269910	1,615
2699	Mormacape	284185	3,830	2761	Prudential Oceanjet	504015	4,940	464	Texas Connecticut	266501	1,620
2699	Mormacape	284185	3,830	2762	Prudential Seajet	502728	4,940	465	Texas Florida	271820	1,670
2699	Mormacape	284185	3,830	2763	Pure Oil	248937	048	1897	Texas Georgia	293410	5,630
2699	Mormacape	284185	3,830	1273	P. W. Thistle	270179	3,040	469	Texas Illinois	246793	1,870
2699	Mormacape	284185	3,830	2341	Rachel V.	248785	245	471	Texas Kansas	214230	1,775
2699	Mormacape	284185	3,830	2450	Raleigh	249201	270	473	Texas Louisiana	215053	5,505
2699	Mormacape	284185	3,830	1369	Ranger	244508	270	1823	Texas Maryland	232735	5,505
2699	Mormacape	284185	3,830	2590	Raphael Semmes	242074	1,540	1824	Texas Massachusetts	206390	5,399
2699	Mormacape	284185	3,830	2164	Rappahannock	253226	270	475	Texas Minnesota	213202	2,045
2699	Mormacape	284185	3,830	417	Reuben Tipton	247830	270	476	Texas Mississippi	215682	2,045
2699	Mormacape	284185	3,830	9	R. E. Wilson	244000	605	2023	Texas Montana	295918	0,325
2699	Mormacape	284185	3,830	2690	Robin Goodfellow	247254	550	478	Texas Nebraska	212346	1,825
2699	Mormacape	284185	3,830	2691	Robin Gray	252626	550	480	Texas New Jersey	215931	1,695
2699	Mormacape	284185	3,830	2692	Robin Hood	247255	550	481	Texas New York	267981	1,695
2699	Mormacape	284185	3,830	2693	Robin Mowbray	255316	550	483	Texas North Dakota	233006	1,475
2699	Mormacape	284185	3,830	2694	Robin Sherwood	240805	248	1873	Texas Oklahoma	276882	0,685
2699	Mormacape	284185	3,830	2695	Robin Trent	254641	550	1890	Texas Rhode Island	266389	0,685
2699	Mormacape	284185	3,830	400	Ruth Lykes	247503	270	1270	Texas Wisconsin	277885	0,685
2699	Mormacape	284185	3,830	2162	Ruth Lykes	502928	4,770	489	Texas Wyoming	219348	1,475
2699	Mormacape	284185	3,830	2544	Sacramento	245497	1,835	200	Texas Wyoming	219352	1,475
2699	Mormacape	284185	3,830	2256	Sagamore Hill	252351	270	174	Texas Sun	233997	0,110
2699	Mormacape	284185	3,830	2459	Salisbury	245245	270	2122	Thailand Bear	237213	550
2699	Mormacape	284185	3,830	177	San Antonio	248716	3,330	2147	Thalia	218127	1,845
2699	Mormacape	284185	3,830	1919	San Francisco	241220	3,585	497	Tha Cablas	210143	1,000
2699	Mormacape	284185	3,830	1920	San Juan	242653	3,585	925	Thetis	270627	7,189
2699	Mormacape	284185	3,830	891	Santa Adela	242243	270	2096	Thomas A.	269954	2,835
2699	Mormacape	284185	3,830	2295	Santa Alicia	252747	550	2412	Thomas M.	269338	2,630
2699	Mormacape	284185	3,830	2297	Santa Anita	252748	550	405	Thompson Lykes	234113	3,070

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2517	Thunderbird	247092	\$245
602	Ticonderoga	242244	550
406	Tillie Lykes	248461	550
222	Topa Topa	247966	275
231	Transesler	249438	7,900
2391	Transerie	245939	1,300
2252	Transhudson	248910	500
2301	Transhuron	506349	1,410
2463	Transpanama	257381	2,235
2338	Transsuperior	505404	1,395
1492	Trinity	246600	3,435
2744	Trojan	247177	2,345
590	Tullahoma	246662	1,850
407	Tyson Lykes	248066	270
2437	U.S. Mate	252492	270
2438	U.S. Navigator	247871	245
2439	U.S. Pilot	245016	270
966	Utah Standard	251140	475
2270	Valley Forge	505766	9,885
2340	Vantage Progress	245623	274
2339	Vantage Venture	242676	460
408	Velma Lykes	247584	270
2354	Velma Lykes	509652	4,965
2660	Ventura	252633	550
666	Virginia Trader	244789	560
1786	Walter Rice	248203	2,715
1398	Washington	288503	4,375
437	Washington Bear	264252	2,455
1349	Washington Mail	287238	4,290
974	Washington Standard	246203	500
667	Washington Trader	245566	560
2640	Wellesley Victory	247564	245
1779	Western Clipper	268288	3,085
1780	Western Comet	266305	2,950
1302	Western Hunter	267156	11,020
1781	Western Planet	268078	3,070
175	Western Sun	268738	3,250
2225	Wild Ranger	249518	270
410	William Lykes	247968	270
224	Wilmington Getty	246537	3,250
1609	Windsor Victory	247843	245
338	Wingless Victory	247243	245
2568	Wolverine State	248740	950
2226	Wyoming	518337	6,675
2098	Yellowstone	246335	275
2030	Yorkmar	248533	1,460
2545	Yukon	296261	3,560
411	Zoella Lykes	257115	2,280
		282126	3,070

(b) *Vessels of less than 1,500 gross tons*—As of July 1, 1970. (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1970, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1970, to December 31, 1970, inclusive: *Provided, however*, That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: *And provided further*, That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by

section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
762	A. H. Dument	237224	\$79
2480	Allison C.	515504	600
2469	Apache	515345	855
1653	Atlantic	522097	133
1168	Barge 133		29
2045	Betty Moran	253333	830
2480	Black Hawk	512015	855
2331	Borinquen	506437	420
1153	Britton	119	17
2136	Cabo Rojo	29722	374
2137	Catano	257016	350
2298	Elmorro	503262	372
2132	E. Whitney Olson, Jr.	257225	590
2299	Fajardo	503263	222
2044	Gale B.	222748	820
24	George S.	252206	85
764	George Whitlock II	241090	50
1150	Habib	112	13
1151	Horne	115	14
1554	Lewis No. 8	244276	61
1702	Mohawk	234469	433
2350	New Haven	504920	372
742	Ocean Prince	270461	335
2065	Pacific Mariner	257099	290
2703	Perth Amboy No. 1	171776	160
2704	Perth Amboy No. 2	171839	160
1719	Ponce De Leon	244229	61
744	Port Jefferson	242512	325
1878	Puerto Nuevo	244841	338
1176	Quill 7		54
1148	Eandy	114	14
2470	Seminole	514243	855
1253	Spartan	273315	370
2130	Starcrest	254000	230
1152	Swigart	118	15
2552	Theresa F.	516123	570
763	W. A. Weber	251072	61

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: December 9, 1970.

E. SCOTT DILLON,
Chairman,
Ship Valuation Committee.

[F.R. Doc. 70-16718; Filed, Dec. 14, 1970; 8:45 a.m.]

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 8]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets of the U.S. Merchant Marine Academy

GENERAL REQUIREMENTS FOR ELIGIBILITY

Effective December 1, 1970, § 310.53, Subpart C of this part is amended by changing paragraph (b) to read as follows:

§ 310.53 General requirements for eligibility.

(b) *Age*. A candidate must be not less than 17 years of age and must not have passed his 22d birthday on July 1 of the calendar year in which he seeks to be appointed as a cadet. However, a waiver may be granted for veterans of the armed services on the basis of 1 month for every month in the service up to age 24.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114) (sec. 216, 53 Stat. 1182, as amended; 46 U.S.C. 1126)

Dated: December 8, 1970.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-16341; Filed, Dec. 14, 1970; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 3]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Definitions

Regulations for the operation of the Special Milk Program for Children (32 F.R. 12587 as amended by 34 F.R. 807 and 35 F.R. 3900) are hereby further amended as follows:

In § 215.2, paragraph (c) is revised to read as follows:

§ 215.2 Definitions.

(c) "Needy Schools" means schools which, because of poor economic conditions, are determined by a State agency, or FNSRO where applicable, to be in need of special assistance in order to serve milk without charge to needy children and which either (1) are participating in the National School Lunch Program and receiving special cash assistance from Federal funds at a reimbursement rate in excess of 30 cents under Part 210 of this chapter or had been determined to be in need of special assistance under this Part by a State agency, or FNSRO where applicable, prior to January 1, 1971; or (2) have no other food service.

Effective date. This amendment shall become effective January 1, 1971.

Approved: December 10, 1970.

PHILIP C. OLSSON,
Assistant to
Assistant Secretary.

[F.R. Doc. 70-16772; Filed, Dec. 14, 1970; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1971 Crop of Upland Cotton; Base Acreage Allotments

The provisions of §§ 722.463 to 722.466 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the

"act"), with respect to the 1971 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to (1) proclaim a national production goal; (2) establish a national base acreage allotment; and (3) apportion the national base acreage allotment to States. In addition, the provisions of §§ 722.461 and 722.462, published in the FEDERAL REGISTER of October 17, 1970 (35 F.R. 16312), which proclaimed a national marketing quota and national acreage allotment under sections 342 and 344(a) of the act, are revoked in accordance with the requirements of section 601(1) of the Agricultural Act of 1970 (Public Law 91-524, approved Nov. 30, 1970). The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Section 342a of the act provides that the Secretary shall proclaim a national cotton production goal for the 1971 crop of cotton, and section 350(a) of the act provides that the Secretary shall establish a national base acreage allotment for the 1971 crop of cotton, not later than November 15, 1970. Such proclamation and announcement here contained is made after November 15, 1970, because the Agricultural Act of 1970 was not enacted as of November 15, 1970. It is essential that §§ 722.463 to 722.466 be made effective immediately. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.463 to 722.466 shall be effective upon filing this document with the Director, Office of the Federal Register.

Sec.

722.463 Revocation of prior proclamation.
722.464 National production goal for the 1971 crop of cotton.

722.465 National base acreage allotment for the 1971 crop of cotton.

722.466 Apportionment of national base acreage allotment to the States.

AUTHORITY: The provisions of this subpart issued under secs. 301, 342a, 350, 52 Stat. 38, as amended, 84 Stat. 1358; 7 U.S.C. 1301, 1342a, 1350.

§ 722.463 Revocation of prior proclamation.

A national marketing quota and a national acreage allotment for the 1971 crop of cotton was proclaimed on October 15, 1970, as required by sections 342 and 344(a) of the act which was in effect and applicable to the 1971 crop of cotton on October 15, 1970. Such proclamation was published in the FEDERAL REGISTER of October 17, 1970 (35 F.R. 16312) under Title 7, Chapter VII, Subchapter B, Part 722, as Subpart—1971 crop of upland cotton; acreage allotments and marketing quotas, consisting of §§ 722.461 and 722.462. Section 601(1) of the Agricultural Act of 1970 provides that sections 342 and 344 of the act shall not be applicable to the 1971 crop of cotton. Accordingly, the above-cited Subpart—1971 crop of upland cotton; acreage allotments and marketing quotas, consisting of §§ 722.461 and 722.462 is hereby revoked, and the proclamation so pub-

lished shall be void as required by subsequent legislation contained in the Agricultural Act of 1970.

§ 722.464 National production goal for the 1971 crop of cotton.

(a) *Statutory requirements.* Section 342a of the act provides that the amount of the national production goal for the 1971 crop of cotton (in terms of standard bales of 480 pounds net weight) shall be the number of bales of cotton equal to the estimated domestic consumption and estimated exports for the 1971-72 marketing year, which begins August 1, 1971, plus an allowance of not less than 5 percent of such estimated consumption and estimated exports for market expansion. Section 342a of the act further provides that the Secretary shall make such adjustments in the amount of the production goal as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the 1971-72 marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 percent of the average offtake for the 3 preceding marketing years) to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries and, in addition, to provide an adequate reserve for purposes of national security.

(b) *Proclamation of amount of 1971 national production goal.* The national production goal for the 1971 crop of cotton is hereby proclaimed to be in the amount of 11,993,500 standard bales of cotton, determined under section 342a of the act, based on the following data:

	Running Bales
(1) Estimated domestic consumption, 1971-72 marketing year.....	8,000,000
(2) Estimated exports, 1971-72 marketing year.....	3,300,000
(3) Allowance for market expansion (5 percent of sum of (1) and (2)).....	565,000
(4) Adjustments to assure adequate stocks.....	128,500
Total	11,993,500
(5) Estimated carryover stocks in the United States on July 31, 1972	5,300,000
(6) 50 percent of the average offtake for the preceding 3 marketing years (1968, 1969 and estimated 1970)	5,428,500

§ 722.465 National base acreage allotment for the 1971 crop of cotton.

The national base acreage allotment for the 1971 crop of cotton shall be 11,500,000 acres, as required under section 350(a) of the act.

§ 722.466 Apportionment of national base acreage allotment to the States.

Section 350(b) of the act prescribes that the national base acreage allotment of 11,500,000 acres shall be apportioned to the States on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within

the farm acreage allotment during the 5 calendar years 1965, 1966, 1967, 1968, and 1969, adjusted for abnormal weather conditions or other natural disaster during such period. In making the apportionment, no adjustments were made except to the extent that the history for Nevada was adjusted to reflect the total acreage planted and regarded as planted to cotton during the base period. Accordingly, the national base acreage allotment is apportioned to the States as follows:

State	State Allotment (acres)
Alabama	677,655
Arizona	238,721
Arkansas	955,207
California	531,107
Florida	23,241
Georgia	583,383
Illinois	2,012
Kansas	8
Kentucky	4,821
Louisiana	400,494
Mississippi	1,090,815
Missouri	260,990
Nevada	2,540
New Mexico	123,780
North Carolina	312,363
Oklahoma	534,833
South Carolina	477,210
Tennessee	381,938
Texas	4,884,000
Virginia	11,081
U.S. Total	11,500,000

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 10, 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16863; Filed, Dec. 11, 1970; 2:09 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 215, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (iii) of § 907.515 (Navel Orange Regulation 215, 35 F.R. 18385) are hereby amended to read as follows:

§ 907.515 Navel Orange Regulation 215.

(b) *Order.* (1) * * *

(i) District 1: 1,170,000 cartons;

(iii) District 3: 130,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 10, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-16820; Filed, Dec. 14, 1970; 8:51 a.m.]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

On November 28, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18200) regarding the proposed expenses and the proposed rate of assessment for the period November 1, 1970, through October 31, 1971, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period November 1, 1970, through October 31, 1971, will amount to \$252,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 910.41, is fixed at \$0.021 per carton of lemons.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on November 1, 1970, and said rate of assessment will automatically apply to all such lemons beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 10, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-16821; Filed, Dec. 14, 1970; 8:51 a.m.]

[Amdt. 3]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date of the committee's recommendation and the date when this amendment should become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (3) information regarding the committee's recommendation was made available to producers and handlers in the production area, and (4) this amendment re-

lieves restrictions on the handling of production area onions.

Regulation as amended. In § 958.315 (35 F.R. 11165, 12529, 14437) subparagraph (1) of paragraph (a) is hereby amended to change the minimum sizes for yellow varieties as follows:

§ 958.315 Limitation of shipments.

(a) *Grade, size, and pack requirements—*(1) *Yellow varieties.* U.S. No. 1 or better grade, 2¼ inches minimum diameter; or U.S. No. 1 or better grade, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. Issued December 10, 1970, to become effective December 16, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-16770; Filed, Dec. 14, 1970; 8:46 a.m.]

[Amdt. 3]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Pursuant to the requirements of Section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), Onion Import Regulation, § 980.109, is hereby amended to conform to a simultaneous amendment to the regulation in effect for domestic shipments of onions under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in the Idaho-Eastern Oregon production area, as set forth below. This regulation is subject to further amendment in accordance with domestic regulations.

Onion import regulation, as amended. In § 980.109 (35 F.R. 11225, 12530, 14539) subparagraph (1) of paragraph (a) is hereby amended to change the minimum diameter for yellow varieties to 1½ inches from 2¼ inches, so that it will read as follows:

§ 980.109 Onion import regulation.

(a) *Minimum grade and size requirements—*(1) *Yellow varieties—*(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1½ inches minimum diameter.

Findings. It is hereby found that it is impractical and unnecessary to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL

REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e-1 of the act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) the amendment relieves restrictions.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated December 10, 1970, to become effective December 16, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 70-16822; Filed, Dec. 14, 1970;
8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 1481—RICE

Subpart—Rice Export Program (GR-369) Revision IV

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Rice Export Program (GR-369) Revision IV (35 F.R. 7880 and 35 F.R. 8472) are hereby amended as follows:

1. In § 1481.105, paragraph (k) is amended by adding the following sentence:

§ 1481.105 Definition of terms.

(k) * * * Export carrier also means a lash barge loaded with rice for which a through on-board bill of lading is issued for shipment to an eligible country and the loaded lash barge is subsequently lifted aboard an ocean vessel. The exculpatory provisions of paragraph (h) of this section and § 1481.115(d) shall apply to any rice lost, damaged, or destroyed after loading aboard the lash barge to the same extent as loading aboard an ocean going vessel.

§ 1481.112 [Amended]

2. In § 1481.112, paragraph (b) is amended by substituting for the words "in any form or product into the United States or Puerto Rico of rice previously exported by him," the words "into the United States or Puerto Rico of milled rice or brown rice (including milled rice produced from exported brown rice) previously exported by him."

3. In § 1481.113, paragraph (d) is amended to read as follows:

§ 1481.113 Rice exported prior to submission of offer acceptable to CCC.

(d) The submission of Form CCC-409, "Application for Rice Export Payment," for an export payment on rice exported prior to submission of an offer constitutes the exporter's agreement that if the rice is exported or transhipped to

other than an eligible country as milled rice or brown rice (including milled rice produced from exported brown rice), or if the rice (including milled rice produced from exported brown rice) is re-entered into the United States or Puerto Rico, he shall be liable to CCC as provided in § 1481.115(d).

§ 1481.115 [Amended]

4. In § 1481.115, paragraph (d) is amended by deleting the words "in any form or product," wherever they appear, and substituting therefor in the first sentence thereof the words "as milled rice or as brown rice (including milled rice produced from exported brown rice)" and by deleting the entire second sentence.

§ 1481.132 [Amended]

5. In § 1481.132, paragraph (c) is amended by substituting for the words "in any form or product into the United States or Puerto Rico of rice" the words "into the United States or Puerto Rico of milled rice or brown rice (including milled rice produced from exported brown rice)."

§ 1481.136 [Amended]

6. In § 1481.136, paragraph (b) is amended by adding after the words "prior to" the words "filing the notice of."

7. In § 1481.138, the second sentence of paragraph (a) (1) is amended to read as follows:

§ 1481.138 Contract amendments.

(a) (1) * * * The exporter shall not export, transship or cause the rice (including milled rice produced from exported brown rice) to be transhipped to any other country without the written approval of CCC.

§ 1481.139 [Amended]

8. In § 1481.139, paragraph (f) is amended by substituting for the words "in any form or product," wherever they appear, the words "as milled rice or as brown rice (including milled rice produced from exported brown rice)."

9. In § 1481.153, paragraph (a) (2) (i) is revised, paragraph (b) is amended by the addition of two new sentences, paragraph (c) (1) and (2) are revised, paragraph (d) (2) is amended by deleting the second sentence, and paragraph (e) is amended to change the first sentences of subparagraphs (1) and (4) and all of subparagraphs (2) and (3), to read as follows:

§ 1481.153 Evidence of export.

(a) Bills of lading. * * *

(2) * * *

(i) The identification of the ocean vessel or the lash barge,

(b) * * * If export is by lash barge, an authenticated copy of the applicable shipper's export declaration or an acceptable statement from the vessel's agent showing the lash barge was loaded to the lash vessel named in the on-board

lash bill of lading or substitute lash vessel. The shipper's export declaration or the statement from the agent of the vessel must be furnished within a 60-day period beginning on the date of the on-board lash bill of lading unless otherwise approved in writing by CCC.

(c) Official weight certificates. (1) Except as otherwise provided in this paragraph (c), for rice exported in bulk by ocean vessel or lash barge, a copy of an official weight certificate issued on the basis of weights obtained at the time of loading the rice to the ocean vessel or lash barge showing (i) the weight of the rice, (ii) date and place of issuance, (iii) identification of the ocean vessel or lash barge, and (iv) description of the hold or tank of the ocean vessel or the lash barge in which the rice was stowed.

(2) For an export of bulk rice which was transferred directly from a railcar or truck to an ocean vessel or lash barge, a copy of an official weight certificate issued on the basis of heavy and light weights of the railcar or truck obtained at the place of export showing (i) the heavy and light weights of the railcar or truck, or the net weight of the rice, (ii) the date and place of issuance, and (iii) identification of the railcar or truck, may be furnished in lieu of the certificate required in subparagraph (1) of this paragraph. The exporter must also furnish an acceptable statement from an inspector that the inspector witnessed the transfer of the rice from the railcar or truck to the ocean vessel or lash barge. The statement must identify each railcar or truck.

(e) Official inspection certificates. (1) For rice exported in bags, bales, or cases, a copy of an official inspection certificate showing (i) the information necessary to determine the export payment per hundredweight under the applicable provisions of § 1481.102(d) and (ii) the quantity of rice to which the certificate relates. * * *

(2) Except as provided in subparagraph (3) of this paragraph, for milled rice or brown rice exported in bulk by ocean vessel or lash barge, a copy of an official inspection certificate issued on the basis of an inspection made at the time and place of loading the rice to the ocean vessel or lash barge showing (i) the information necessary to determine the export payment per hundredweight under the applicable provisions of § 1481.102(d), (ii) the quantity of rice to which the certificate relates, (iii) date and place of issuance and (iv) identification of the ocean vessel or lash barge.

(3) For milled rice or brown rice exported in bulk, bags, bales, or cases in marine-type containerized vans by ocean vessel, a copy of an official inspection certificate issued on the basis of an inspection made at the port of export or at the time of loading the rice for shipment to port showing (i) the information necessary to determine the export payment per hundredweight under the applicable provisions of § 1481.102(d), (ii)

the quantity of rice to which the certificate relates, (iii) date and place of issuance, (iv) identification of the van, (v) the seal numbers of the van and (vi) a statement by the inspector or an independent party (port authorities, agent of the vessel, etc.) that he witnessed the loading of the rice to the van and the sealing of the van.

(4) For milled rice or brown rice exported in bulk by railcar or truck, a copy of an official inspection certificate showing (i) the information necessary to determine the export payment per hundred-weight under the applicable provisions of § 1481.102(d), (ii) the quantity of rice to which the certificate relates, (iii) date and place of issuance and (iv) identification of the railcar or truck. * * *

(Sec. 5, 62 Stat. 1072, sec. 407, 63 Stat. 1055, as amended, sec. 201(a), 70 Stat. 188; 15 U.S.C. 714c, 7 U.S.C. 1427, 1851)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 4, 1970.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity
Credit Corporation, and General
Sales Manager, Export
Marketing Service.

[F.R. Doc. 70-16819; Filed, Dec. 14, 1970;
8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Currency and Coin

1. Effective January 7, 1971, § 204.116 is added to read as follows:

§ 204.116 Currency or coin held principally for its numismatic or bullion value.

(a) The Board of Governors has considered the status under Regulation D for purposes of reserve computations of currency and coins held by member banks principally for their numismatic or bullion value.

(b) It appears that a number of banks have been counting as part of their reserve requirements silver coins which the banks have acquired and segregated from coins available to meet customers' demands. In some cases, the coins are held by the bank for its own account with the expectation of earning a premium over face value because of the greater numismatic or bullion value of the coins. In other cases, the coins are held by the bank for the account of its customers, under a written or oral agreement, whereby the customer re-

tains the right to, or an option on, such coins.

(c) When a member bank acquires currency or coin that it has the full and unrestricted right to use at any time to meet depositors' claims, such currency or coin may be counted as reserves for purposes of satisfying the bank's reserve requirements. The fact that a bank may choose to segregate part of such currency or coin does not of itself disqualify the currency or coin from counting as reserves.

(d) A bank does not have "the full and unrestricted right" within the meaning of the preceding paragraph if the bank is prevented, legally or practically, by virtue of customer agreements, undertakings, or arrangements, from using the currency or coin at any time to meet customer's demands. Such customer agreements, undertakings, or arrangements may relate to the specific currency or coins transferred to the bank or to currency or coin that the bank is or may be obligated to acquire to replace the specific currency or coins so transferred.

(e) Examples of agreements, undertakings, or arrangements between a bank and its customer that have come to the Board's attention under which the bank does not have the full and unrestricted right to use silver coins at any time to meet customers' demands are:

(1) The bank holds the coins subject to a repurchase agreement or an option by the customer or his assignee (a borrowing by the bank of the coins).

(2) Coins are deposited by the customer and the bank promises to resell to the customer a similar amount of coins (in effect a borrowing by the bank of the coins).

(3) The coins deposited by the customer are to be segregated and returned to the customer upon his request or after a certain period of time (a bailment).

(4) The bank issues a certificate of deposit, the consideration for which is coins, and the bank simultaneously enters into an agreement to redeem the certificate by payment of the coins, either the identical coins deposited by the customer or similar coins (a special deposit).

(5) Coins are transferred to the bank as collateral for a loan.

(f) An agreement between the bank and its customer that the currency or coin is to be regarded as "owned" by the bank for purposes of reserve requirements is not determinative. Whether currency or coin may be counted as reserves depends on the underlying nature of the transaction in the light of the principle and examples set forth herein.

(g) This interpretation is not intended to affect the legality of agreements, undertakings, or arrangements between the bank and its customers regarding currency or coin.

(Interprets and applies 12 U.S.C. 461.)

2. On June 3, 1970, the Board published for comment a proposed amendment to Regulation D to prevent mem-

ber banks from counting as part of their required reserves any coin they hold principally for its bullion or numismatic value (FEDERAL REGISTER of June 9, 1970, 35 F.R. 8892). That proposal is withdrawn.

By order of the Board of Governors,
December 8, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16775; Filed, Dec. 14, 1970;
8:47 a.m.]

[No. 70-496]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Purchase of GNMA-Guaranteed Securities

DECEMBER 8, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.9 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9) for the purpose of authorizing Federal savings and loan associations to purchase securities guaranteed by the Government National Mortgage Association pursuant to section 306(g) of the National Housing Act, as amended. Accordingly, the Federal Home Loan Bank Board hereby amends such § 545.9 by adding a new paragraph (c), immediately after paragraph (b) thereof, and by redesignating the succeeding two paragraphs, to read as follows, effective December 15, 1970:

§ 545.9 Securities and other investments.

A Federal association may invest in the following:

(c) Any securities guaranteed by the Government National Mortgage Association pursuant to section 306(g) of the National Housing Act, as amended;

(d) Any general obligations (without regard to investment-service rating) of any political subdivision of a State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) if the association's home office or a branch office is located in such political subdivision: *Provided*, That investments in such obligations may not be made in an aggregate amount exceeding 1 percent of the association's assets; and

(e) The stock of a Federal Home Loan Bank or the Federal National Mortgage Association.

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the

provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board finds that publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is contrary to the public interest; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[F.R. Doc. 70-16824; Filed, Dec. 14, 1970;
8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-398; Order 415]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL POLICY ACT

DECEMBER 4, 1970.

On September 17, 1970, the Commission issued a notice of proposed policy statement and rule making (35 F.R. 14848, September 24, 1970),¹ wherein it proposed to amend Parts 4 and 5 of the regulations under the Federal Power Act and Subchapter E of the regulations under the Natural Gas Act as well as add §§ 2.80-2.83 to Part 2 of its general rules, in order to implement the requirements of section 102(2) (C) of the National Environmental Policy Act, 83 Stat. 852, 853.

Eighteen responses were filed in this proceeding suggesting a variety of modifications and amendments in the proposed rules. All suggestions were carefully studied and several were adopted as indicated hereinafter.

The rules adopted set forth the policy and procedural guidelines that we will follow in exercising our responsibilities under the National Environmental Policy Act of 1969 with regard to the licensing of hydroelectric facilities under Part I of the Federal Power Act and the issuance of certificates of public convenience and necessity under section 7(c) of the Natural Gas Act. Rather than formalizing specific rules to deal with our legislative environmental responsibilities at this time, we have decided to defer action in this area pending experience with the legislative procedures of the Council on Environmental Quality's Interim Guidelines and the Office of Management and Budget's Bulletin 71-3. We will, of course, continue to meet our responsibilities in the legislative environmental area as now prescribed by law.

None of the parties filing in this proceeding have questioned the propriety of the Commission adopting a policy and

rules in compliance with the National Environmental Policy Act. Most of the critical comments were directed at various details of the procedural steps we proposed, such as, for example, the timing of filing environmental statements and responses thereto and the proper distribution of statements and comments filed with the Commission. A number of the comments were adopted. However, no beneficial purpose would be served, by a complete enumeration of the comments received and the action taken in response to them.

Comments dealing with the basic substantive principles of the proposed rules and requests for significant changes were filed in some cases. We do believe these points deserve special discussion.

The environmental criteria to be evaluated in the preparation of detailed environmental statements as prescribed in section 102(2) (C) of the National Environmental Policy Act, 83 Stat. 852, 853, have been repeated in §§ 2.80 and 157.14(a) of the rules we are adopting today. Since these are the specific criteria we are required to evaluate in the preparation of detailed environmental statements to accompany our major actions having environmental significance we believe it is proper to require applicants and environmental interveners in Commission proceedings to address themselves to these same considerations. We have, however, in response to some of the comments filed in this proceeding, revised § 2.80 as proposed to provide examples of the kinds of values and considerations that should be evaluated in the context of the five specific criteria we have incorporated from the National Environmental Policy Act. It should be emphasized that these examples are merely illustrative, and not an exhaustive listing of factors that should be considered in the preparation of detailed environmental statements.

The addition of these considerations also serves the useful purpose of further clarifying the scope and nature of a detailed environmental statement. The requirement of this kind of analysis in cases having environmental significance is in the public interest in that it helps assure the fullest possible examination of environmental values and assists us in complying with the statutory standards of the National Environmental Policy Act and our enabling legislation.

The Commission's mandate under the Federal Power Act to fully evaluate environmental considerations is articulated in *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F. 2d 608, (CA2, 1965), cert. denied sub nom *Consolidated Edison v. Scenic Hudson Preservation Conference*, 384 U.S. 941, and *Udall v. Federal Power Commission*, 387 U.S. 428 (1967). In *Scenic Hudson* the Second Circuit ruled that "[t]he Commission must see to it that the record is complete. The Commission has an affirmative duty to inquire into and consider all relevant facts." 354 F. 2d at 620. The requirements imposed by the rules we have adopted represent the kind of affirmative action we must take to assure a complete record. As the Supreme Court

said in the *Udall* case, the Commission must satisfy the test that the proposed project is in the public interest. "And that determination can be made only after an exploration of all issues relevant to the 'public interest' * * * 387 U.S. at 450. We believe these rules will enable us to explore all such relevant issues.

The Commission fully recognizes and accepts its responsibilities under the comprehensive planning mandate of section 10(a) of the Federal Power Act, 16 U.S.C. 803(a), and the standards of section 102(2) (C) of the National Environmental Policy Act, 83 Stat. 853. The regulations we are adopting in this proceeding in no way diminish the burden placed on the Commission by those statutory provisions. Nor do these regulations in any way nullify the Commission's obligation to render decisions based on the fullest possible evaluation of all pertinent information. They also do not negate our duty and that of our staff to take all reasonable and relevant efforts to insure that our decisions are based on a complete record. Rather, the regulations adopted today help assure that all practicable avenues of information and evidence will be explored and developed prior to our determination of the merits of cases falling within the purview of these regulations.

In order to correct the misunderstanding of some who submitted comments, we have clarified our intent in §§ 2.81(c) and 2.82(c). We have deleted the requirement that environmental interveners submit detailed environmental statements pursuant to § 2.80, although we preserve their right to do so. The rules now make it clear that environmental interveners are required to file with the Commission at a time to be specified an explanation of the environmental position they are advancing including therein a discussion of that position in the context of the factors from the National Environmental Policy Act specified in § 2.80. We believe this requirement is in the public interest in that it helps assure exposure and consideration of all relevant issues by insuring that all environmental issues will be raised before the initial decision. Absent an affirmative duty on all parties to raise issues and supply evidence in support thereof during the evidentiary phase of a hearing, the Commission cannot be certain that a complete record is before them. To relieve some parties from this duty would be to encourage dilatory tactics.

We have, in response to comments filed by the Council on Environmental Quality on November 30, 1970, charged the procedures outlined in §§ 2.81(b) and 2.82(b) to include preliminary staff analysis of the detailed environmental statements supplied by applicants. Should this analysis of the statement reveal any deficiencies as to the sufficiency of its form, the staff will request the necessary revisions before the statement is made available to governmental agencies for comment. In this way, we can help assure that all relevant environmental factors will become part of the record at the earliest opportunity and subject to evidentiary proceedings

¹ On Sept. 29, 1970, an amendment was issued (35 F.R. 16324, Oct. 17, 1970).

as to content while insuring that applicants have given due regard for the environment before making an application.

Two respondents have urged that we changed the scope of § 2.81(a) by requiring detailed environmental statements to accompany applications for minor project licenses. One respondent has advocated restricting the application of the rules to projects with 10,000 hp. capacity or more. It is our determination that neither of these suggestions is appropriate or in the public interest and that pending evidence to the contrary we will require the submission of detailed environmental statements with respect to hydroelectric matters only in conjunction with the applications for major project licenses and activities specified in § 2.81 (a). In any event, it should be noted that all our jurisdictional activities with respect to hydroelectric facilities are subject to the comprehensive planning standard of the Federal Power Act.

In adopting these regulations we have adhered as closely as possible to the Council on Environmental Quality's Interim Guidelines governing the preparation of detailed environmental statements (35 F.R. 7390, May 12, 1970). Pending experience in implementing the regulations and in the event of revisions in the Guidelines or amendments to the National Environmental Policy Act, changes may be indicated at some future date.

These regulations, which are effective immediately, will be applied as fully as possible to appropriate cases now on file.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission are consistent and in accordance with all procedural requirements therefor as prescribed in 5 U.S.C. 553.

(2) The amendments to the Commission's regulations adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act.

The Commission acting pursuant to the provisions of the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311 and 312 (41 Stat. 1065, 1068, 1069, 1070, 1072, 1353, 46 Stat. 798, 49 Stat. 839, 842, 843, 844, 856, 858, 859, 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459; 15 U.S.C. 717f, 717o), and the National Environmental Policy Act of 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854) orders:

PART 2—GENERAL POLICY AND INTERPRETATIONS

(A) Part 2, Subchapter A, Chapter I, Title 18, Code of Federal Regulations is amended by adding thereto the following:

(1) The table of contents at the beginning of Part 2—General Policy and

Interpretations is amended by adding at the end thereof a new subdivision heading and section titles reading as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Sec.

2.80 Detailed environmental statement.

2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(2) The text of Part 2 is amended by adding at the end thereof the following heading and new §§ 2.80 through 2.82 reading as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 2.80 Detailed environmental statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (Act) in its regulation under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969 we will make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have such an environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 shall fully develop the five factors listed hereinafter in the context, among other relevant environmental factors, of such considerations as the proposed activity's direct and indirect effect on the ecology of the land, air and water environment of the project or natural gas pipeline facility, and on aquatic and wildlife, and established park and recreational areas as well as on sites of natural, historic, and scenic values and resources of the area, and the conformity of the proposed activity with all applicable environmental standards. Such statement should also deal with the justification of the proposed activity as compared to its alternatives. These factors are listed to merely illustrate the kinds of values that must be considered in the statement; in no respect is this listing to be construed as covering all relevant factors.

(1) The environmental impact of the proposed action,

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) Alternatives to the proposed action,

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) A notice of all applications for major projects (those in excess of 2,000 hp.) or for reservoirs only providing regulatory flows to down-stream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicensing, or amendment to license proposing construction or operating change in project works will be transmitted by the Commission to the Council on Environmental Quality and to appropriate governmental bodies, Federal, regional, State, and local with a request for comments on the environmental considerations listed in § 2.80. Notice of all such applications shall also be made as prescribed by law.

(b) All applications covered by paragraph (a) of this section shall be accompanied by the applicant's detailed statement of the environmental factors specified in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all governmental bodies given notice pursuant to paragraph (a) of this section. The applicant shall supply 10 copies of the statement, as revised, to the Council on Environmental Quality.

(c) All interveners taking a position on environmental matters shall file with the Commission an explanation of their environmental position, specifying any differences with the applicant's detailed statement upon which intervenor wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervenor from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) (1) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, if

any, should be made in a written statement served upon the Commission staff and all parties of record at a time specified by the Presiding Examiner.

(2) Furthermore, the Initial Decision of the Presiding Examiner in such cases should include an evaluation of the environmental factors enumerated in § 2.80 and the views expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(f) In the case of noncontested applications the staff shall prepare a detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and other appropriate Federal and State agencies shall be supplied with 1 copy; each of them shall be afforded 30 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State, and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality by the party filing such comments at the time of filing with the Commission.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) A notice of all certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), except abbreviated applications filed pursuant to § 157.7 (b), (c), (d), and (e) of this chapter, will be transmitted by the Commission to the Council on Environmental Quality. Notice of all certificate applications will continue to be published as prescribed by law, and transmitted to other appropriate Federal and State governmental bodies.

(b) All applications within the scope of paragraph (a) of this section shall be accompanied by the information prescribed in § 157.14(a) (6-d) of this chapter and shall include an environmental analysis of the construction and operating program of the proposed project considered in its totality. If the Commission then concludes that a detailed statement will be required as part of the Commission's order, public notice will be given requiring the applicant to file a detailed statement as prescribed in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the

applicant's statement, as revised, to be made available to all governmental bodies given notice pursuant to paragraph (a) of this section. The applicant shall supply 10 copies of the statement, as revised, to the Council on Environmental Quality.

(c) All interveners taking a position on environmental matters shall file with the Commission an analysis of their environmental position, specifying any differences with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) (1) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Commission staff and all parties of record at a time specified by the Presiding Examiner.

(2) Furthermore the Initial Decision of the Presiding Examiner in such cases should include an evaluation of the environmental factors enumerated in § 2.80 and the views expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(f) When the Commission determines that its action on an application which is otherwise subject to the Commission's noncontested procedures will have a significant environmental effect, the staff shall prepare a detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and other appropriate Federal and State agencies shall be supplied with one copy; each of them shall be afforded 30 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's statement and the comments received thereon. The Commission will consider

all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State, and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality by the party filing such comments at the time of filing with the Commission.

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

(B) Section 4.40 in Part 4, Subchapter B, Chapter I, Title 18, Code of Federal Regulations, is amended by redesignating paragraph (l) as paragraph (m) and substituting a new paragraph (l) as follows:

§ 4.40 Contents.

(1) Those applications within the purview of § 2.81(a) of this chapter must be accompanied by a detailed statement of the environmental factors enumerated in § 2.80 of this chapter.

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

(C) Section 5.1 in Part 5, Subchapter B, Chapter I, Title 18, Code of Federal Regulations, is amended by inserting a new sentence between the first and second sentences. As amended, this portion of § 5.1 will read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.81(a) of this chapter shall apply to all applications for amendment of license as defined therein. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. * * *

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

(D) Paragraph (a) of § 157.14, in Subchapter E, Chapter I, Title 18, Code of

Federal Regulations, is amended by adding a new subparagraph (6-d) to read as follows:

§ 157.14 Exhibits.

(a) *To be attached to each application.* * * *

(6-d) *Exhibit F-IV—Statement by the Applicant concerning the requirements of the National Environmental Policy Act of 1969, Public Law 91-190, 83 Stat. 852, Title I, Section 102.* The applicant shall provide a brief statement concerning the following factors:

- (i) The environmental impact of the proposed actions,
- (ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) Alternatives to the proposed action,
- (iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

* * * * *

(E) The amendments herein adopted shall become effective upon the issuance of this order.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16791; Filed, Dec. 14, 1970;
8:48 a.m.]

[Docket No. R-396; Order 415]

PART 141—STATEMENT AND REPORTS (SCHEDULES)

PART 260—STATEMENT AND REPORTS (SCHEDULES)

Statement of Source and Application of Funds

DECEMBER 7, 1970.

On August 27, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 14098, Sept. 4, 1970) proposing to amend, effective for the reporting year 1970, the FPC Annual Report Form No. 1, prescribed by § 141.1 of the Commission's Regulations (18 CFR 141.1) for use by Electric Utilities and Licensees (Class A and Class B) and the FPC Annual Report Form No. 2 prescribed by § 260.1 of the Commission's Regulations (18 CFR 260.1) for use by Natural Gas Companies (Class A and Class B) by adding two new schedule pages 118 and 119, entitled Statement E—Source and Application of Funds for the Year.

Comments were invited from interested persons to be submitted by October 13, 1970. In response to this notice the Commission has received comments

from 15 respondents.¹ Of the 15 responses received; three were in complete agreement; six concurred, with the exception of suggesting minor modifications having to do with the construction and design of the Statement; two concurred, but requested the omission of the CPA certification; three were noncommittal, but offered constructive suggestions; and one opposed the rule making.

Where feasible the Commission has incorporated those constructive suggestions having to do with construction and design of the statement where these suggestions allowed the statement to remain reasonably structured around the "Source and Application of Funds" statement now used by the American Gas Association and the Edison Electric Institute in their joint "Uniform Statistical Report," and to continue to include the principles contained in the American Institute of Certified Public Accountants' Opinion No. 3 along with those specific additional items needed by the Commission for regulatory purposes.

The two objections to the CPA certification of the statement was due to extra time and expense involved. The Commission considers this statement in the same category of prominence with the Comparative Balance Sheet, Statement of Income and Statement of Earned Surplus, all of which are now being certified by CPA firms. Consequently, the Commission rejects the requests to delete the statement from the list of those schedules now being certified by CPA firms.

And finally, in relation to the single response opposing the rule making on the alleged basis the Commission did not state how the statement would assist the Commission in administering the Natural Gas Act, the Commission invites attention to paragraph 2, notice of proposed rule making R-396, "This added schedule is being proposed to provide the Commission with relevant information that is either omitted or not sufficiently presented in the Comparative Balance Sheet or the Statement of Income and Earned Surplus for the Year, presently found in FPC Forms No. 1 and No. 2. The Commission believes the proposed statement, will narrow the existing gap between the two aforementioned conventional statements. In addition, the proposed statement will be of considerable benefit to the Commission staff in their continuous analysis and surveillance responsibilities." The Commission's basic purpose remains the same.

The Commission finds:

(1) The notice and opportunity to participate in this rule making by sub-

¹ Arthur Andersen & Co., Independent Natural Gas Association of America, The Cleveland Electric Illuminating Co., Consumers Power Co., New England Electric System, Pennsylvania Power & Light Co., Public Service Electric and Gas Co., Public Service of Indiana, Salt River Project, Southern Services, Inc., The Washington Water Power Co., Baltimore Gas and Electric Co., Northern Natural Gas Co., Texas Eastern Transmission Corp., and State of New York Public Service Commission.

mission in writing of data, views and comments in the manner described above are consistent and in accordance with the procedural requirements of section 553 of title 5 of the United States Code.

(2) Since the amendments to FPC Forms No. 1 and No. 2 prescribed herein are for use for reports covering the calendar year beginning January 1, 1970, or for a year beginning or ending during the calendar year 1970, good cause exists for making this order effective upon issuance.

(3) The revisions of the Commission's Annual Report Forms No. 1 and No. 2 herein prescribed are necessary and appropriate for the administration of the Federal Power and Natural Gas Acts.

(4) Since amendments herein which were not included in the notice in this proceeding are of a minor nature further notice thereof is unnecessary.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h) and the provisions of the Natural Gas Act, as amended, particularly sections 8, 9(b), 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h(b), 717i, 717o), orders:

(A) Effective for the reporting year 1970, and thereafter, FPC Form No. 1, Annual Report for Electric Utilities and Licensees Class A and Class B, prescribed by § 141.1, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, and FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows, all as set out in the attachment hereto; "

(1) On page 1 of FPC Annual Report Form No. 1, General Instruction 14 is amended to include the schedule "Source and Application of Funds for the Year—Statement E" in the list of schedules for which certification by a certified public accountant is required.

(2) On page 1 of FPC Annual Report Form No. 2, General Instruction 15 is amended, to include the schedule "Source and Application of Funds for the Year—Statement E" in the list of schedules for which certification by a certified public accountant is required.

(3) New schedule pages 118 and 119, entitled "Statement E—Source and Application of Funds for the Year," are added to FPC Forms No. 1 and No. 2.

(B) Effective upon the issuance of this order, paragraph (d) of § 141.1 of the Commission's regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new schedule "Source and Application of Funds for the Year—Statement E," immediately following schedule title "Statement of Retained Earnings for the Year—Statement D":

² Attachment filed as part of original document.

§ 141.1 Form No. 1, Annual report for electric utilities, licensees, and others (Class A and Class B).

* * * * *

(d) Source and Application of Funds for the Year—Statement E.

* * * * *

(C) Effective upon the issuance of this order, paragraph (c) of § 260.1 of the Commission's regulations under the Natural Gas Act, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new schedule "Source and Application of Funds for the Year—Statement E," immediately following schedule title "Statement of Earned Surplus—Statement D":

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) Source and Application of Funds for the Year—Statement E.

* * * * *

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16792; Filed, Dec. 14, 1970;
8:48 a.m.]

[Docket No. R-399; Order 417]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reports of Gas Stored Underground and Schedule

DECEMBER 8, 1970.

By notice issued September 18, 1970, and published in the FEDERAL REGISTER on September 24, 1970 (35 F.R. 14851), in Docket No. R-399 pursuant to section 553 of title 5 of the United States Code and section 16 of the Natural Gas Act (52 Stat. 830, 15 U.S.C. 717o) the Commission proposed to add a new § 260.11 to Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, to require the filing by certain natural gas companies, other than independent producers as defined by § 154.91(a) of the Regulations under the Natural Gas Act (18 CFR 154.91(a)), of reports of gas stored underground on a new schedule to be prescribed herein and designated as FPC Form No. 8.

Eighteen responses to the notice of proposed rulemaking have been received.¹ Pursuant to a Notice of Conference issued November 5, 1970, and published in the FEDERAL REGISTER on November 7, 1970 (35 F.R. 17188), a conference attended by representatives of interested parties and the Commission staff was held on November 13, 1970.

This proceeding was instituted because it has become apparent to the Commission that many jurisdictional natural gas pipeline companies will have to rely with increased need on natural gas storage to supply the requirements of their customers during the forthcoming 1970-71 and future winter seasons. Pipeline companies have indicated to the Commission in informal discussions and in pleadings in proceedings on applications filed pursuant to sections 7(a) and 7(c) of the Natural Gas Act that, depending upon such variables as the severity of the winter and the availability of domestic and imported gas, they will have to place restrictions on their load growth and will have to curtail interruptible deliveries to a greater extent than in the past. There have been further indications that some pipelines may have difficulty in meeting their presently contracted obligations.

Gas stored underground during the off-peak months is a vital supply component for the many pipeline companies that rely on both pipeline capacity and stored gas to meet winter requirements, especially the peak deliveries caused by low temperatures. It is just as vital to local gas distributors and pipelines, which under storage service agreements with pipeline suppliers, have gas purchased during the off-peak months stored underground for subsequent winter deliveries. The balances of gas in storage will be key indicators of adequate or inadequate supplies for the critical periods.

After consideration of the written views and comments and the discussion at the conference, several modifications have been made in the proposed regulation and schedule. Many of the respondents question the value of information on underground storage alone as being indicative of a pipeline's present supply position or ability to meet demands on its system. In addition, some of the respondents express apprehension that the Commission intends to take action to or-

der involuntary transfers of gas based on the reported data. The regulation and schedule promulgated herein are to require the filing of data for informational purposes only. The Commission realizes that storage data alone, without data on other factors such as weather, customer requirements, LNG, LPG, pipeline capacity, and other variables, is but one of many indicators of a pipeline company's operational capability; however, the Commission regards a company's storage position as such a key indicator that current information should be readily available.

Several respondents have pointed out that various storage pools on the same system may in normal operation be operated differently, and for different purposes than other pools on the system or on other systems. It is noted that a normal or a particular pressure in one pool may or may not be normal in another pool or in the same pool at various times under particular circumstances. Likewise, it was pointed out that some companies sell a storage service, others use storage to accommodate swings in pipeline operations, and some companies use storage for both purposes. Also, in some instances customers may have title to stored gas, customers may have the right to nominate pipeline-owned volumes, or pipelines may meet their contractual obligations from either or both pipeline gas or pipeline-owned storage. Since storage pools are operated in such widely varying ways and for differing purposes, it is concluded that meaningful storage information can be collected only on a companywide rather than an individual reservoir basis. For the same reason and because reports will be on a companywide basis, reservoir pressures will not have to be reported. In addition, customers' gas (customer-owned or nominated or otherwise committed to particular customers) will be required to be reported by the pipelines operating the storage facilities to the extent the storage is not required to be reported by the customers.

Several respondents expressed concern that storage reservoirs would have to be shut-in in order to ascertain the required information. Such action will not be necessary. The Commission will accept information based upon reports from the companies' dispatchers and other operating personnel which information is used in the day-to-day operations of the pipeline systems. The Commission would rather have data which are reasonably current and estimated rather than untimely and accurate to the last Mcf.

Various respondents suggested that reporting be limited to companies having a specified minimum volume in storage, to companies selling a storage service, to companies whose operations are wholly jurisdictional, to companies with limits on load growth, or to companies which have indicated possible inability to meet contractual obligations. The Commission is interested in obtaining a comprehensive picture of gas in storage.

¹ Cascade Natural Gas Corp.; Colorado Interstate Gas Co., a division of Colorado Interstate Corp.; Columbia Gas System Service Corp.; Equitable Gas Co.; Iowa-Illinois Gas and Electric Co.; Kansas-Nebraska Natural Gas Co., Inc.; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co.; Pennsylvania Gas Co.; Rochester Gas and Electric Corp.; Southern California Edison Co.; Tennessee Gas Pipeline Co., a division of Tenneco, Inc.; Texas Eastern Transmission Corp.; Texas Gas Transmission Corp.; Transcontinental Gas Pipe Line Corp.; The Union Light, Heat and Power Co.; United Gas Pipe Line Co.; United Natural Gas Co.

Therefore, all jurisdictional companies with storage operations will be required to submit reports. Two respondents suggested that they be excused from filing periodic reports on storage operations which are required by certificate orders authorizing storage facilities and operations. The reports filed pursuant to the certificate orders are more comprehensive and less timely than the reports required by the regulation promulgated herein. Therefore, both reports will be required even though the reported data may be duplicative to some small extent.

There were suggestions by respondents that additional information be reported, such as quality of gas in storage, physical facilities used in storage operations, number of days gas was withdrawn, daily withdrawals, and names of customers for whom gas was withdrawn. Although this information may be of value in appraising storage operations, the Commission does not feel that it has the need for such information at this time; hence, such information will not be required.

The last-day-of-the-month reporting dates as proposed have been changed to the first days of the next month. This will establish definite dates for reports in lieu of the variable last days of the months. The due date for the filing of the first report has been changed from November 15, 1970, to January 4, 1971, in view of the late date of issuance of this order.

Copies of the schedule promulgated herein will be available from the Commission. However, reporting companies may reproduce their own copies and submit reports thereon.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amendment and schedule hereinafter set forth are necessary and appropriate in carrying out the provisions of the Natural Gas Act.

(3) In view of the imminence of the period of substantial reliance upon underground storage and the need by the Commission to obtain information on storage balances on an orderly basis, good cause exists that the proposed amendment be made effective immediately.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly Section 16 thereof (52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 552, orders:

(A) Effective upon the issuance of this order, Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new § 260.11 which reads as follows:

§ 260.11 Form No. 8, report of gas stored underground.

(a) The form of Report of Gas Stored Underground, designated herein as FPC

Form No. 8, is prescribed for the 2-year period commencing November 1, 1970.

(b) Each natural gas company as defined by the Natural Gas Act, as amended, 52 Stat. 821, except an independent producer as defined by § 154.91 (a) of the Regulations under the Natural Gas Act (§ 154.91(a) of this chapter), which owns, leases, or operates an underground natural gas storage field or which has natural gas stored for it by others in an underground natural gas storage field, shall prepare and file with the Commission an original and two copies of Report of Gas Stored Underground, FPC Form No. 8, on or before November 15 of each reporting year, November 1 through October 31, showing volumes of gas in underground storage on November 1 and within 5 days after, or the nearest date thereto that information is available, the 1st and 15th days of December through March and the first days of April through November, showing estimated accumulated storage gas withdrawals and injections and balances of stored volumes remaining, except that reports on gas stored underground on November 1 and 15 and December 1 and 15, 1970, shall be filed on or before January 4, 1971.

(B) The schedule, FPC Form No. 8, Report of Gas Stored Underground, is adopted in the form set forth in Attachment A hereto.²

(C) The Secretary shall cause prompt publication at this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16780; Filed, Dec. 14, 1970;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3d Rev. S.O. 1009, Amdt. 3]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Division 3, acting as an Appellate Division, held at its office in Washington, D.C., on the 8th day of December 1970.

Upon consideration of the petitions filed by various shippers, each requesting reconsideration or suspension of certain provisions of Third Revised Service Order No. 1009.

It appearing, that seasonal reductions in the demands for freight cars have

² Attachment A filed as part of original document.

resulted in substantial improvements in the supplies of freight cars, and that the daily levels of freight car shortages reported by the carriers presently are declining; and that a further postponement of the effective date of paragraphs (a) (1) (ii) and (vii), of Third Revised Service Order No. 1009, relating to cars assigned to the exclusive use of shippers, is warranted to avoid an excessive waste of empty car movements by the carriers and to prevent irreparable harm to the affected shippers during a period of an abated car supply problem.

It is ordered, That:

Third Revised Service Order No. 1009, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) (1) (ii) and (vii) for paragraph (a) (1) (ii) and (vii) thereof: § 1033.1009 Service Order No. 1009.

(a) *Railroad operating regulations for freight car movement.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Placing of Cars.* * * *

(ii) Those provisions of this subdivision (ii) relating to cars assigned to the exclusive use of a shipper are hereby suspended until 11:59 p.m., December 31, 1970.

(vii) The provisions of this subdivision (vii) are hereby suspended until 11:59 p.m., December 31, 1970.

It is further ordered, That, except to the extent granted in the next preceding paragraph, the said petitions be, and they are, hereby, denied.

Effective date. This amendment shall become effective at 11:59 p.m., December 8, 1970.

(Sec. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16814; Filed, Dec. 14, 1970;
8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Mobile	Unincorporated areas.	E 01 037 0000 01 through E 01 037 0000 03	Alabama Development Office, State Office Bldg., Montgomery AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	County Engineer's Office, County Court House, 101 Government St., Mobile, AL 36601.	Dec. 11, 1970.
California	Los Angeles	Bradbury	E 06 037 0433 01	Department of Water Resources, Post Office Box 383, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, 600 Winston Ave., Bradbury, CA 91010.	Do.
Do.	do.	Long Beach	E 06 037 1970 01 through E 06 037 1970 04	do.	Office of the City Engineer, Room 700, 205 West Broadway, Long Beach, CA 90802.	Do.
Do.	do.	Walnut	E 06 037 4063 01 through E 06 037 4063 04	do.	Office of the City Manager, City of Walnut, 20550 East Carrey Rd., Walnut, CA 91789.	Do.
Do.	Riverside	Palm Springs	E 06 065 2650 01 through E 06 065 2650 10	do.	Department of Building and Planning, City Hall, 3200 Tahquity McCallum St., Palm Springs, CA 92262.	Do.
New Jersey	Monmouth	Highlands Borough.	E 34 025 1390 01	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the Borough Clerk, Borough of Highlands, 171 Bay Ave., Monmouth County, NJ 07732.	Do.
Do.	do.	Sea Bright	E 34 025 2980 01	do.	Office of the Borough Clerk, Borough of Sea Bright, Monmouth County, 1099 East Ocean Ave., Monmouth County, NJ 07760.	Do.
Do.	Ocean	Seaside Park	E 34 029 3020 01 E 34 029 3020 02	do.	Municipal Bldg., Central and Fifth Aves., Borough of Seaside Park, Ocean County, NJ 08762.	Do.
Rhode Island	Providence	Providence	I 44 007 0190 03 I 44 007 0190 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, RI 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, RI 02903.	Graphics Section, Department of Planning and Urban Development, 410 Howard Bldg., 10 Dorrance St., Providence, RI 02903.	Do.
Texas	El Paso	El Paso	E 48 141 2190 01 through E 48 141 2190 09	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	City Clerk's Office, Room 211, City-County Bldg., El Paso, TX 79901.	Do.
Virginia	Wise	Big Stone Gap	I 51 195 0170 03 I 51 195 0170 04	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Office of the Town Manager, Town of Big Stone Gap, Big Stone Gap, VA 24219.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 12, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-16728; Filed, Dec. 14, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:
 § 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Mobile	Unincorporated areas	T 01 037 0009 01 through T 01 037 0009 03	Alabama Development Office, State Office Bldg., Montgomery, AL 36104. Alabama Insurance Department, Room 433, Administrative Bldg., Montgomery, AL 36104.	County Engineer's Office, County Court House, 101 Government St., Mobile, AL 36601.	Dec. 11, 1973.
California	Los Angeles	Bradbury	T 06 037 0433 01	Department of Water Resources, Post Office Box 638, Sacramento, CA 95832. California Insurance Department, 167 South Broadway, Los Angeles, CA 90012, and 1437 Market St., San Francisco, CA 94103.	City Hall, 600 Winston Ave., Bradbury, CA 91309.	Do.
Do.	do	Long Beach	T 06 037 1970 01 through T 06 037 1970 04	do	Office of the City Engineer, Room 100, 265 West Broadway, Long Beach, CA 90802.	Do.
Do.	do	Walnut	T 06 037 4063 01 through T 06 037 4063 04	do	Office of the City Manager, City of Walnut, 2040 East Carrey Road, Walnut, CA 91790.	Do.
Do.	Riverside	Palm Springs	T 06 065 2650 01 through T 06 065 2650 10	do	Department of Building and Planning, City Hall, 3300 Tahquamenon St., Palm Springs, CA 92262.	Do.
New Jersey	Monmouth	Highlands Borough	T 34 025 1690 01	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1000, Trenton, NJ 08624. Department of Banking and Insurance, State House Annex, Trenton, NJ 08623.	Office of the Borough Clerk, Borough of Highlands, 171 Bay Ave., Monmouth County, NJ 07732.	Do.
Do.	do	Sea Bright	T 34 025 2980 01	do	Office of the Borough Clerk, Borough of Sea Bright, Monmouth County, 1670 East Ocean Ave., Monmouth County, NJ 07732.	Do.
Do.	Ocean	Seaside Park	T 34 023 3920 01 through T 34 023 3920 02	do	Municipal Bldg., Central and Fifth Aves., Borough of Seaside Park, Ocean County, NJ 08762.	Do.
Rhode Island	Providence	Providence	H 44 097 0190 03 through H 44 097 0190 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, RI 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, RI 02903.	Graphics Section, Department of Planning and Urban Development, 419 Howard Bldg., 10 Dorrance St., Providence, RI 02903.	Sept. 8, 1970.
Texas	El Paso	El Paso	T 48 141 2190 01 through T 48 141 2190 03	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	City Clerk's Office, Room 211, City-County Bldg., El Paso, TX 79901.	Dec. 11, 1970.
Virginia	Wise	Big Stone Gap	H 51 195 0170 03 through H 51 195 0170 04	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23224.	Office of the Town Manager, Town of Big Stone Gap, Big Stone Gap, VA 24219.	June 16, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 23, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-153, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 12, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-16729; Filed, Dec. 14, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,
Department of the TreasurySUBCHAPTER B—ESTATE AND GIFT TAXES
[T.D. 7077]PART 25—GIFT TAX; GIFTS MADE
AFTER DECEMBER 31, 1954Revision of Actuarial Tables and
Interest Factor; Correction

On December 4, 1970, T.D. 7077 was published in the FEDERAL REGISTER (35

F.R. 18461). The figure "\$ 20.-" appearing at the end of the 16th line in paragraph (a) (1) of § 25.2512-5 of the Gift Tax Regulations (26 CFR Part 25), as prescribed by T.D. 7077, should have been "\$ 25.-". Accordingly, replace the figure "\$ 20.-" with "\$ 25.-".

JAMES F. DRING,
Director, Legislation and
Regulations Division.

[F.R. Doc. 70-16326; Filed, Dec. 14, 1970;
8:51 a.m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department
SUBCHAPTER E—TRANSPORTATION OF THE
MAILSSUBCHAPTER G—SPECIAL REGULATIONS
TRANSPORTATION OF MAIL

Regulations codified in Parts 521-526 of Subchapter E are being restated in order to eliminate unnecessary detail. The basic purport of those regulations remains essentially the same in this revision, so that rule making proceedings and delay in effective date (5 U.S.C. 553)

are not required. Accordingly, the amendments which follow are effective upon publication in the FEDERAL REGISTER.

1. In Subchapter E insert the following center caption immediately above Part 511:

RAILWAY TRANSPORTATION

2. Subchapter G is redesignated as Subchapter H; and Subchapter E (as amended above) is redesignated as Subchapter G.

3. In Subchapter G, as redesignated above, amend Parts 521-526 to read as follows:

HIGHWAY TRANSPORTATION

PART 521—STAR ROUTE SERVICE

Sec.

- 521.1 Description.
- 521.2 Establishing service.
- 521.3 Administration of service.
- 521.4 Subcontracts.
- 521.5 Screening.

AUTHORITY: The provisions of this Part 521 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6106, 6106-6107, 6352, 6401-6402, 6407, 6411-6426, 6429-6434, 6436-6440.

§ 521.1 Description.

Star route service provides for inter-city highway transportation of mail. Routes are operated under formal contracts, awarded after competitive bidding, and may provide box delivery, collection, and other service normally furnished by rural carriers.

§ 521.2. Establishing service.

(a) *Contract terms*—(1) *Regular contracts*. Contracts for regular star route service are made for periods of not more than 4 years or for the remainder of a term set for the area in which the route operates. Terms are staggered within the region.

(2) *Extensions*. Regular contracts may be continued in force beyond their expressed terms for a period of not more than 6 months. The extension also extends any subcontract in effect.

(3) *Renewals*. Regular contracts may be renewed for additional terms of not more than 4 years, without advertising, at the rate of compensation prevailing at the end of the contract term.

(4) *Temporary contracts*. Contracts for temporary service may be made for periods not to exceed 1 year, with or without formal advertising.

(b) *Obtaining bids*—(1) *Advertisements*. When necessary to request bids for regular contracts, advertisements will be distributed by the Director, Logistics Division. Allow for at least 30 days' posting, except in emergencies when an explanation for the shorter posting period will be included.

(2) *Requirements for bidding*—(i) *Eligibility of bidders*. Any person who is at least 21 years of age and who is a citizen of the United States, or has filed a declaration of intention within the past 7 years to become a citizen, may submit a proposal and enter into a contract for carrying the mail, subject to the following restrictions:

(a) No proposal for a contract for star route service will be considered unless the bidder is a legal resident of one of the counties crossed by the roads over which the mail is to be carried or a legal resident of a county adjoining one through which the mail is to be carried, with this exception: Proposals for carrying mail will be accepted from firms, companies, or corporations actually engaged in some business other than transportation of mail under a contract within the counties in which individuals are restricted as to residence.

(b) No postmaster, assistant postmaster (director, operations and director, installation services, at post offices having these positions instead of assistant postmaster) or officer in charge, clerk employed in any post office, rural carrier, special delivery messenger, or other postal employee, including substitute or temporary, will be a bidder, contractor, or concerned in a bond or contract for carrying mail on a star route.

(c) No member of the immediate family of a postmaster or assistant postmaster (director, operations, and director, installation services, at post offices having these positions instead of assistant postmaster) or officer in charge will be awarded a contract or be a surety on a bond, or be a subcontractor or carrier on a star route; except that a person who becomes a member of the immediate family of any of these after being awarded a contract or after being recognized as a subcontractor may continue to perform such contract and is eligible for a renewal contract. "Immediate family", as used in this section, means spouse and other persons related to the postmaster (or assistant postmaster, or director, operations, or director, installation services, at post offices having these positions instead of an assistant postmaster) or officer in charge, by blood who are regular members of his household or are dependent on him for support and other persons who are regular members of his household and who are dependent on him for support.

(d) No contract for carrying mail will be made with any person who has entered or proposed any combination to prevent the making of any bid for carrying mail or who has agreed, or given or promised any consideration, to induce another person not to bid for such a contract.

(e) No contract will be made with a person known to have been (1) convicted of a postal crime relating to theft or embezzlement of mail, funds, or property or (2) convicted of a crime such as embezzlement, robbery, burglary, larceny, perversion or other notoriously immoral acts; known to have associated with known criminals; or known to have a record of serious moving traffic violations, unless he has since been rehabilitated and has become a responsible citizen.

(f) A married woman may contract or be surety as though she were unmarried where the laws of the State permit. When a woman bids or signs a surety, whether she is married or single must be stated.

(ii) *Bond requirements*. (a) Each proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties, each of whom must own real estate worth at least the face amount of bond required, over and above all debts, judgments, mortgages, executions, and exemptions.

(b) When the laws of the State permit, a husband and wife owning real estate as "tenants by the entirety," are acceptable as one surety provided both execute the bond. Any other two or more persons owning real estate as "joint tenants" are acceptable as one surety, provided all parties concerned execute the bond. In these cases, at least one other qualified surety is necessary.

(c) The obligation under the bid bond is that the bidder will execute a contract with good and sufficient sureties and that service will be performed according to the contract. If an accepted bidder fails to enter into the prescribed contract or, after having executed a contract, fails to perform service in accordance with the contract, he and his sureties are liable for the amount of the bid bond.

(d) No proposal for the transportation of the mail shall be considered when accompanied by a bond executed on behalf of a surety by or through any organization of mail transportation contractors or an officer or employee of such organization, nor shall any such proposal be considered when a portion of the bond premium, a commission on the bond sale, or any other thing of value accrues to any organization of mail transportation contractors or officer or employee thereof as a result of the execution of the bond.

(e) If a bond is executed by a surety company, the company must be included in the current list of surety companies approved by the Treasury Department as acceptable on Federal bonds. The agent representing the company must also have authority to underwrite star route bid bonds on behalf of the company.

(3) *Restriction on postmaster participation*. Postmasters may not:

(i) Act as agents of contractors, subcontractors, or bidders, with or without compensation, in any negotiations relating to mail service.

(ii) Divulge the amount of any proposal they have certified.

(4) *Submitting bids*. The time and manner in which bids must be received in order to be entitled to consideration are stated in the information and instructions to bidders which accompany the advertisement.

(c) *Award of contracts*—(1) *Requirements for award*. (i) Formal contracts for transportation of mail which are required to be made after advertising will be awarded to the lowest responsible bidder with sufficient guarantee for faithful performance under the terms of the advertisement.

(ii) The bid of a person who willfully or negligently failed to perform a former contract may be disregarded, with concurrence of Regional Counsel.

(iii) A contract may be awarded at any time within 60 days after the date stated in the advertisement as the closing date for the receipt of bids. A contract may be awarded during an additional 60-day period on written consent of the bidder and his sureties at their bid price.

(2) *Execution of contract.* The accepted bidder will be required to execute a contract with good and sufficient sureties satisfactory to the Postal Service. These sureties can be the same as those furnished on the bid bond.

(3) *Qualification of sureties.* Although individual sureties on a contract need not own real estate, they must be responsible persons and competent to perform the service required by the contract if called on to do so.

(4) *Obligation of sureties on contract.* Sureties on the contract are, in effect, co-contractors, and in event of default or removal of contractor, are responsible for continued operation of the service. They may also be called on to assume operation of the route if the contractor dies.

(5) *Filing contract.* The successful bidder must execute and file his contract with the Director, Logistics Division, within 60 days from the date of acceptance of bid.

(6) *Reservations.* The Postal Service reserves the right to:

(i) Reject all bids on any route whenever the interest of the service requires.

(ii) Rescind the acceptance of a proposal at any time before the signing of the formal contract by a representative of the United States, without allowing indemnity.

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement as the closing date for receipt of bids and allow a corresponding extension of time for execution of the contract.

(iv) Reject bids accompanied by bonds on which there appears as surety the name of a person who is not responsible or who is barred from bidding for any reason.

(v) Disregard bids of those persons who have not submitted proposals in good faith and do not intend to perform service in accordance with the terms of the advertisement.

(7) *Tie bids.* When the lowest acceptable bids are at the same rate, preference will be given to the present contractor if his is one of the tie bids. Otherwise, the selection will be made by lot.

(8) *Certification.* The contractor must certify that he has not employed any person to solicit or secure the contract upon any agreement for a commission, percentage, brokerage, or contingent fees. He must agree not to discriminate against any employee or applicant for employment because of race, color, religion, or national origin, or sex.

(9) *Oath of contractor.* A contractor shall take the required oath when executing his contract.

(d) *Contractor's responsibilities—(1) For providing service.* The contractor's responsibilities for providing service are

stated in the advertisements and contracts, as may be modified by the Director, Logistics Division.

(2) *For operating vehicles according to law.* Transportation by contractors of passengers or property other than mail is subject to the following:

(i) The award of a contract grants no special right or privilege to the contractor to transport passengers, freight, or express. If the contractor desires to transport passengers or cargo other than mail for compensation in interstate or foreign commerce, he must obtain authority from the Interstate Commerce Commission. If he desires to transport either in intrastate commerce, he must obtain authority from the State in which he will operate, if authority is required by that State. He must comply with all State laws and regulations that apply to carriers of passengers and cargo for hire. If passengers are transported, mail must be carried in a separate compartment so passengers will not have access to the mail.

(ii) Contractors must know and comply with interstate and intrastate laws governing the operation of motor vehicles. They must comply with all safety measures prescribed by State and Federal laws and regulations governing the operation of motor vehicles and with the Interstate Commerce Commission's Motor Carrier Safety regulations issued from time to time, to the extent stated in the advertisement and as required by the Postal Service.

(3) *For transporting postal officials and equipment.* (i) Contractors and carriers must transport postal inspectors and other postal officials, on presentation of their credentials, over regularly scheduled trips and between points specified in the official statement of the route, if the conveyance used is suitable.

(ii) Bus companies are not required to transport postal inspectors and other officials except on vehicles carrying mail and between points where service is authorized.

(iii) The carrier will not reveal the presence of a postal inspector in the carrier's vehicle or in the vicinity of the route.

(iv) Contractors must convey, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered them. This does not include furniture, letter cases, mail boxes, and similar items. This equipment must not be shipped under penalty labels on star routes unless previously determined that the contractors involved are willing to perform the additional work without compensation. This does not prevent contractors from handling such equipment as freight or express.

(4) *For providing carriers—(1) Qualifications.* Carriers must be:

(a) Not less than 18 years of age.

(b) Of good character, reliable, and trustworthy.

(c) Sufficiently educated to enable them to perform all required duties in a satisfactory manner.

(ii) *Persons ineligible.* The following are ineligible to serve as carriers on star routes:

(a) All postal employees, including temporaries and substitutes.

(b) Members of the immediate families of those defined in subparagraph (2)(i)(c) of paragraph (b) of this section, unless they became members of the immediate family after the contract was awarded.

(c) Persons on parole or under suspended sentence for commission of a felony.

(d) Persons with known criminal records involving moral turpitude or dishonesty.

(e) Persons whose traffic records indicate that their driving motor vehicles would be hazardous.

§ 521.3 Administration of service.

(a) *Administrative postmasters.* Star routes are under the supervision and administrative control of a postmaster on the route. The Regional Director will designate the postmaster to whom this authority is delegated. Postmasters at all other offices will report irregularities, complaints, and any other local problems regarding the operation of the route to the administrative postmaster.

(b) *Changes in service.* The Director, Logistics Division, may at any time issue orders extending, increasing frequency, and changing the line of travel, by allowing a pro rata increase in compensation for any increased service required. He may also issue orders curtailing, reducing, frequency, discontinuing, or changing line of travel by allowing 1 month's extra pay on the amount of service eliminated and not exceeding pro rata compensation for the service retained. Extensions ordered during the contract term may not, in the aggregate, increase the one-way length of the route more than 100 miles.

(c) *Changes in schedules.* The Director, Logistics Division, may issue orders changing schedules of departure and arrival, particularly to make them conform to connections with railroads or other mail routes, without increase in pay.

(d) *Unsatisfactory service by contractor.* Unsatisfactory service on a route by a contractor may result in letters of warning, fines and, in extreme cases, in contract forfeiture or annulment.

(e) *Payments—(1) For regular service.* Payments for stated services are:

(i) Made by check after the expiration of each 4-week accounting period.

(ii) Not made under new or renewed contract until the contract is executed.

(2) *For special-delivery service.* Postmasters may pay special delivery fees to contractors and carriers when special service is rendered. If the special delivery mail is delivered into the customer's box, the carrier is not entitled to the fee.

(3) *Readjustment of compensation.* Contract compensation may be readjusted by mutual consent for increased or decreased costs caused by changes during the contract term which could not have been reasonably anticipated at the

time of contracting or renewing. Only regular contractors and subcontractors are eligible for consideration. It is unlawful for a Federal official to encourage a claim against the Government. The request must be instituted by the contractor or subcontractor.

(f) *Termination*—(1) *Time*. Star route contracts may be terminated at the end of any 4-year term at the option of the Postal Service or the contractor, or they may be terminated at any time as provided by law or by the contract terms.

(2) *For changed service conditions*. Star routes may be readvertised and new contracts may be awarded to release contractors and sureties on routes where undue hardships have been imposed by:

(i) An ordered change which increases or decreases the amount of service required.

(ii) An abnormal or sustained increase in the quantity of mail to be carried during a contract term, necessitating larger equipment.

(iii) An ordered change in schedule, requiring the contractor to be away from the initial terminal much more or less time than was required in the advertised schedule.

(3) *For inadequate compensation*. (i) A star route may be readvertised and a new contract may be awarded to release the contractor and his sureties when, after full investigation, compensation is found to be wholly inadequate and continuation of the contract will impose undue hardship, even though conditions have not changed since the contractor submitted his bid. This action may be taken only when the contractor:

(a) Gives 90 days' advance notice of his desire to be released.

(b) Waives the 1-month extra pay authorized by the contract when contracts are canceled under this provision.

(c) Continues service until another contract is awarded even though the award may be made more than 90 days after filing the advance notice.

(4) *Death of a contractor*. When a contractor dies, the postmaster should immediately notify the Director, Logistics Division, of the date and approximate time of contractor's death. If service is not provided promptly by or for the estate of a deceased contractor or his sureties, the administrative postmaster supervising the route should arrange to hire a temporary carrier at the lowest obtainable rate and advise the Director, Logistics Division, accordingly.

§ 521.4 Subcontracts.

(a) *Requirements for subletting*. (1) A contractor must obtain permission from the Director, Logistics Division, before subletting. Subletting without proper written consent may cause a route to be relet, thereby making the contractor and his sureties liable under their bond for damages.

(2) Subletting for an amount less than the contract rate of pay is prohibited by law.

(3) The contractor and subcontractor must warrant that the subcontractor has not given or agreed to give to the con-

tractor, directly or indirectly, any consideration for subletting the contract. Such a consideration includes, but is not limited to, a cash payment for the agreement to sublet; rebates from the compensation received from the Government; payment of unusually high prices for equipment; and purchase of unnecessary operating rights.

(4) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(5) The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(b) *Requirements of subcontractors*. A subcontractor must:

(1) Meet the legal residence and other requirements of contractors as provided in § 521.2(b) (2) (i) except that subcontractors must be not less than 18 years of age.

(2) Be in a position to supervise the service properly.

(3) Be financially and morally responsible.

(4) Have fully adequate and suitable equipment.

(c) *Assignment*. Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act. A contract may be sublet as provided by law.

(d) *Responsibility of contractor*. The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(e) *Termination*. Subcontracts will be terminated for the following reasons:

(1) For cause.

(2) By request of either party to the subcontract.

(3) By death of the subcontractor.

(f) *Contracting with subcontractors*. When a contractor has sublet a route in accordance with law and does not indicate in writing to the Postal Service at least 90 days before the end of the contract term that he desires to renew, the Postal Service may enter into a contract on the same terms, without advertising, with a subcontractor who has performed satisfactory service on the route for a period of at least 6 months.

§ 521.5 Screening.

(a) *Persons subject to screening*. Each contractor, subcontractor, or person employed by a contractor or subcontractor to handle mail or drive mail vehicles, except those listed in paragraph (b) of this section, must be screened in accordance with established procedures.

(b) *Persons exempt from screening*. The following are exempt from screening:

(1) Certificated interstate common carriers and their employees, if the Director, Logistics Division, and the postal inspector in charge approve the contractor's own security screening procedures.

(2) Civil Service personnel otherwise subject to investigation under Executive Order 10450.

(3) Persons who have been screened previously for another route.

(4) Employees hired for an emergency of only a few days.

(c) *Removals*. Contractors, subcontractors, or their employees, handling mail or driving mail vehicles will be removed if the screening process shows they have been (1) convicted of a postal crime relating to theft or embezzlement of mail; funds, or property or (2) convicted of a crime such as embezzlement, robbery, burglary, larceny, perversion, or other notoriously immoral acts; have associated with known criminals; or have a record of serious moving traffic violations, unless they have since been rehabilitated and have become responsible citizens.

PART 522—MAIL MESSENGER SERVICE

Sec.	Description.
522.1	Policy.
522.2	Establishing service.
522.3	Administration of service.
522.4	Payments.
522.5	Screening.

AUTHORITY: The provisions of this Part 522 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6101, 6401-6403, 6413, 6423.

§ 522.1 Description.

This is a local mail transportation service performed by messengers designated to collect, transport, and transfer mail between post offices, stations, and branches and railroad terminals, steamboats, highway post office, star routes truck terminals, airport mail facilities, and stop points in the same or adjacent communities, including collection of mail from collection boxes when so directed by the Directors, Logistics and Post Office and Delivery Services Divisions. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances.

§ 522.2 Policy.

Intracity transportation of mail is performed so as to best serve the public duly considering cost of mail messenger service compared with cost of Government vehicle service. Do not authorize mail messenger service to carry mail between an airport and a post office at which there is available Government vehicle service operated by motor vehicle operators when the one way distance is not more than 35 miles.

§ 522.3 Establishing service.

(a) *Authorizing service*. When an immediate need for service develops, the postmaster will employ a temporary messenger and will immediately notify the Director, Logistics Division. When the need for service is not immediate, the Director, Logistics Division, will advertise for regular service. He may advertise temporary routes for regular service at any time he considers it desirable.

(b) *Advertising for service*. When a regular designation is necessary, the Director, Logistics Division, will forward advertisements to the postmaster at the

post office where service is needed. Advertisements will allow at least 10 days' posting from date of receipt at the post office until closing date for bids.

(c) *Requirements for bidders*—(1) *Age*. Mail messengers must not be under 18 years of age.

(2) *Residence*. A bidder must either reside on or adjoining the route on which service is to be performed, or file with his bid an agreement that, if designated as mail messenger, he will reside on or adjoining the route.

(3) *Reliability*. Bidders will not be approved if they:

(i) Are known to have been convicted of a crime as listed in § 521.2(b) (2) (i) of this chapter unless he has since been rehabilitated and has become a responsible citizen.

(ii) Have traffic records which indicate that it would be hazardous to permit them to operate vehicles.

(iii) Are unable to furnish adequate equipment.

(iv) Are aliens.

(4) *Eligibility of postal employees*. (i) Postal employees and members of their immediate families (as defined in § 521.2 (b) (2) (i) (c) of this chapter may or may not become bidders, messengers, or assistant messengers, or receive compensation for carrying the mail on mail messenger routes as shown on the following chart, subject to conditions in subdivisions (ii) and (iii) of this subparagraph.

Employee's position	Annual rate of compensation—	
	Exceeds \$900	\$900 or under
Postmaster and assistant postmaster at:		
First- and second-class offices	Ineligible	Ineligible
Third- and fourth-class offices	do	Eligible
Members of immediate family of postmaster and assistant postmaster at:		
First- and second-class offices	do	Do.
Third- and fourth-class offices	Eligible	Do.
Special delivery messenger	do	Do.
Other postal employees	Ineligible	Do.
Members of immediate family of postal employees other than postmaster and assistant postmaster	Eligible	Do.

(ii) Any employee is ineligible if his interest in mail messenger service interferes with his postal duties. Before accepting an employee's proposal or permitting his employment under a mail messenger designation, the director, logistics division, must get a statement from the postmaster that the employee's interest in mail messenger service will not interfere with his postal duties.

(iii) Any employee or any member of his immediate family is ineligible if the employee has access to mail messenger files during the period when bids are being received.

(d) *Bid procedures*—(1) *Submitting*. Advertisements specify that bids will be submitted to the director, logistics division. Postmaster shall not accept bids except as sealed, postage-paid letters addressed to the director, logistics division. Bids mistakenly mailed to postmasters should be forwarded at once unopened to

the director, logistics division. If the amount of any bid becomes known in any way to the postmaster, he must not divulge it to anyone. This type of information may be disclosed only after all bids have been opened, subject to public observation, by the regional bid-opening committee and the information made available as may be requested, to interested parties.

(2) *Opening and awarding*. Proposals shall be opened in the office of the Director, Logistics Division. The lowest acceptable bidder must be designated as the mail messenger if award is made. Right is reserved to reject any or all bids if they are not acceptable.

(e) *Oaths*. A regular or temporary mail messenger must take the required oath prior to beginning service.

(f) *Employment of assistants*. Messengers shall personally supervise the performance of service. They must not assign or sublet the service, but they may employ assistants at their own expense during absence from duty for short periods. Assistants must conform to all requirements stated for the messenger himself. They must be approved by the postmaster in charge of the service.

§ 522.4 Administration of service.

(a) *Changes in service*. Except in emergencies, the postmaster must obtain authorization from the director, logistics division, before changing the service of a mail messenger.

(b) *Irregularities*. See § 521.3(d) of this chapter.

(c) *Protection of mail*. Mail messengers may be held financially liable for loss or damage to mail in their custody.

(d) *Termination of service*—(1) *By the postal service*. Service may be terminated by the Postal Service for cause or for rendering improper service. Additionally, it may be terminated when made unnecessary by changed service conditions.

(2) *By the messenger*. (i) Death, resignation, or abandonment of the service terminates the mail messenger designation. In these cases, the director, logistics division, will procure replacement service. If immediate replacement service is necessary, the postmaster will procure it, and immediately notify the director, logistics division.

(ii) When a messenger is relieved of his contract obligations by being called to military service or is compelled to suspend his services because of illness or other valid reason, the postmaster shall ascertain whether he desires that the messenger resume his duties when possible. If so, the postmaster must advise him that his designation will be continued but that changing conditions during his absence may necessitate its reduction or termination. If the messenger wishes to continue with this understanding, his regular service and pay will be suspended pending his return. The director, logistics division, will designate a temporary messenger. When temporary service can be obtained only at a higher rate, it can be authorized if the rate is reasonable.

§ 522.5 Payments.

(a) *Certification*. Postal data centers will pay messengers at the close of each accounting period after performed service is certified by the postmaster.

(b) *Readjustment of compensation*. Consider readjusting the pay of mail messengers by mutual consent for increased or decreased costs occasioned by changed conditions which could not reasonably have been anticipated at the time of designation. Only regular mail messengers are eligible for this consideration.

§ 522.6 Screening.

See § 521.5 of this chapter.

PART 523—HIGHWAY POST OFFICE SERVICE

Sec.

523.1 Description.

523.2 Establishing service.

523.3 Administration of service.

523.4 Subcontracts.

523.5 Screening.

NOTE: The provisions of this Part 523 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6351-6355.

§ 523.1 Description.

Highway post offices are bus-type vehicles operated over designated routes, authorized by the postal service for the acceptance, receipt, distribution, storage, dispatch, and delivery of mail by mobile clerks. These vehicles are operated by private individuals or companies under contract with the postal service. Highway post offices are set up where highway transportation and en route distribution can appreciably advance mail delivery to customers and afford them expeditious dispatch of their outgoing mail.

§ 523.2 Establishing service.

(a) See § 521.2(a) of this chapter, except contracts for highway post office service may be made for periods of not more than 6 years; may be extended for a period of not more than 1 year; and may be renewed for additional terms of not more than 6 years.

(b) *Obtaining bids*: See § 521.2(b) of this chapter, except subparagraph (1) (i) concerning residence does not apply and subparagraph (2) (iii) should be modified to show that the liability of HPO bid bonds, unlike star route bid bonds, ends when the contract is signed by the contracting officer.

(c) *Award of contract*: See § 521.2(c) of this chapter.

(d) *Contractor's responsibility*:

(1) *Providing service*. See § 521.2(d) (1) of this chapter.

(2) *Providing drivers*. See § 521.2(d) (4) of this chapter, except drivers must be licensed chauffeurs not less than 21 years old.

(3) *Transporting postal officials*. The contractor will transport on regular trips all postal officials traveling on official business, on presentation of their credentials. The contractor or his driver must not reveal the presence of a postal inspector in his vehicle or in the vicinity of the route.

(4) *Transporting passengers.* Contractors are prohibited from carrying passengers in highway post office vehicles, other than postal personnel and contractor's employees. Contractors' employees can ride in the driver's compartment when traveling on company business directly related to highway post office service, when travel does not interfere with safe operation of the vehicle.

(5) *Operating vehicles.* The contractor and driver are responsible for accidents occurring in the operation of the vehicle. The postal service is not responsible for damage caused by contract vehicles operated by the contractor or his employees. The contractor must furnish evidence of financial ability to cover liability for personal injuries in the amount of \$100,000.

§ 523.3 Administration of service.

(a) See § 521.3 (b) and (c) of this chapter, except that the 100-mile extension limitation does not apply. New route segments may be added if the original route and the new segment to be added have at least one common terminus point.

(b) *Unsatisfactory service by contractor:* See § 521.3(d) of this chapter.

(c) *Payments:* See § 521.3(e) of this chapter.

§ 523.4 Subcontracts.

See § 521.4 of this chapter; except residence requirements do not apply.

§ 523.5 Screening.

See § 521.5 of this chapter.

PART 524—WATER ROUTE SERVICE

- Sec.
524.1 Description.
524.2 Establishing service.
524.3 Administration of service.
524.4 Subcontracts.
524.5 Screening.

AUTHORITY: The provisions of this Part 524 issued under 5 U.S.C. 301, 39 U.S.C. 50k, 6101, 6103-6105, 6408, 6410, 6413, 6416, 6423, 6433.

§ 524.1 Description.

Water route service is used by the postal service for transporting mail between post offices, or other designated points, via steamboats or other powerboats when land transport is unavailable or impracticable. It is operated under formal contracts, awarded after competitive bidding. In addition to transportation of mail, contracts may require box delivery, collection, and other services normally furnished by rural carriers.

§ 524.2 Establishing service.

See § 521.2 of this chapter, except paragraph (b) (2) (i) (a), as bidders for

water route service are not restricted as to residence.

§ 524.3 Administration of service.

See § 521.3 of this chapter.

§ 524.4 Subcontracts.

See § 521.4 of this chapter; except residence requirement does not apply.

§ 524.5 Screening.

See § 521.5 of this chapter.

PART 525—CONTRACT MOTOR VEHICLE SERVICE

- Sec.
525.1 Description.
525.2 Establishing service.
525.3 Administration of service.
525.4 Subcontracts.
525.5 Screening.

AUTHORITY: The provisions of this Part 525 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6403, 6416.

§ 525.1 Description.

Contract motor vehicle service is similar to mail messenger service, except that it is provided under formal contracts with bonds for specified terms. It is used for the same purposes as for mail messenger service. See §§ 522.1 and 522.2 of this chapter.

§ 525.2 Establishing service.

(a) *Contract term.* See § 521.2(a) of this chapter; except subparagraph (4). When temporary service is required, mail messenger service will be used.

(b) *Obtaining bids.* See § 521.2(b) of this chapter; except subparagraph (2) (i) (a). For residence requirements, see § 522.3(c) (2) of this chapter.

(c) *Award of contracts.* See § 521.2(c) of this chapter.

(d) *Contractor's responsibilities.* See § 521.2(d) of this chapter.

§ 525.3 Administration of service.

(a) *Changes in service.* The director, logistics division, will issue orders for the extension of contract motor vehicle service. Postmasters will report reductions in service requirements when they occur to the director, logistics division, so that lower rates may be negotiated.

(b) *Unsatisfactory service by contractor.* See § 521.3(d) of this chapter.

(c) *Payments—(1) Certification.* See § 522.5(a) of this chapter.

(2) *Readjustment of compensation.* See § 521.3(e) (3) of this chapter.

(d) *Termination.* See § 521.3(f) of this chapter.

§ 525.4 Subcontracts.

See § 521.4 of this chapter; except residence requirements do not apply.

§ 525.5 Screening.

See § 521.5 of this chapter.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-16763; Filed, Dec. 14, 1970;
8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Technical Assistance Services in Records Management

These revised regulations show the availability of general paperwork systems studies provided by the National Archives and Records Service to Federal agencies.

The table of contents for Subpart 101-11.10 is revised as follows:

Subpart 101-11.10—Technical Assistance

- Sec.
101-11.1000 Scope.
101-11.1001 Services available.
101-11.1002 Technical advice and assistance on records management programs.
101-11.1003 Technical assistance involving studies and surveys.
101-11.1004 General paperwork systems studies.
101-11.1005 Requests for service.

Subparts 101-11.11—101-11.40 [Reserved]

AUTHORITY: The provisions of this Subpart 101-11.10 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-11.10 is revised as follows:

Subpart 101-11.10—Technical Assistance

§ 101-11.1000 Scope.

This subpart contains information and procedures pertaining to the furnishing of technical assistance services to Federal agencies by the National Archives and Records Service, General Services Administration.

§ 101-11.1001 Services available.

The following services are available to Federal agencies from the National Archives and Records Service:

(a) Technical advice and assistance on agency records management programs and activities as described in this Part 101-11;

(b) Various types of studies and surveys in records management areas; and

(c) General paperwork systems studies.

§ 101-11.1002 Technical advice and assistance on records management programs.

The National Archives and Records Service provides technical advice and guidance to Federal agencies in the conduct of their records management activities. This includes assistance in the development of records management programs concerned with the creation, organization, maintenance and use, and disposition of agency records.

§ 101-11.1003 Technical assistance involving studies and surveys.

At the request of Federal agencies, the National Archives and Records Service conducts studies and surveys for agencies involving any one or a combination of the records management areas described in this Part 101-11. These studies and surveys are normally on a reimbursable basis.

§ 101-11.1004 General paperwork systems studies.

At the request of Federal agencies, and normally on a reimbursable basis, the National Archives and Records Service also conducts general paperwork systems studies.

(a) A general paperwork systems study is defined as a systematic and detailed cost/benefit analysis which identifies and defines systems requirements for effective, efficient, and economical management and operation, and the alternative methods to satisfy these requirements; and recommends the optimum paper work systems arrangement for management approval. The general paperwork systems study covers all management and operating processes, whether or not electronic data processing equipment is involved. Where electronic data processing services are involved, the general paperwork systems study will include all (1) manual and machine steps from initiation of the process to prescription of output and the delivery of valid input to the computer center and (2) processes covering the adequacy of the output and its use.

(b) A general paperwork systems study is not concerned with the actions taken to convert input into automatic data processing equipment to prescribed computer outputs. Agencies desiring assistance in such detailed automatic data processing systems design, as defined in § 101-32.801-2 of this chapter, should communicate with the nearest Federal Data Processing Center as provided for in that section.

§ 101-11.1005 Requests for service.

Agencies desiring any of the services from GSA provided for in this Subpart 101-11.10 should communicate with the Office of Records Management (NM), National Archives and Records Service, General Services Administration, Washington, D.C. 20408, or the National Archives and Records Service at the nearest GSA regional office.

Subparts 101-11.11—101-11.48
[Reserved]

Effective date. This regulation is effective upon publication in the *FEDERAL REGISTER*.

Dated: December 8, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.
[F.R. Doc. 70-16777; Filed, Dec. 14, 1970;
8:47 a.m.]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

**PART 101-32—GOVERNMENT-WIDE
AUTOMATED DATA MANAGE-
MENT SERVICES**

**Services Available From Federal Data
Processing Centers**

This amendment describes the services available from Federal Data Processing Centers and provides policy and procedures for obtaining such services.

Part 101-32 is amended by the addition of a new Subpart 101-32.8, formerly reserved, and by reserving Subparts 101-32.9—101-32.46, as follows:

**Subpart 101-32.8—Federal Data Processing
Centers**

Sec.	
101-32.800	Scope and applicability of subpart.
101-32.801	Definitions.
101-32.801-1	Federal Data Processing Center.
101-32.801-2	Detailed automatic data processing systems design.
101-32.802	General.
101-32.803	Services available from FDPC's.
101-32.804	Point of contact.

Subparts 101-32.9—101-32.46 [Reserved]

AUTHORITY: The provisions of this Subpart 101-32.8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**Subpart 101-32.8—Federal Data
Processing Centers**

§ 101-32.800 Scope and applicability of subpart.

This subpart describes the services available from Federal Data Processing Centers (FDPC's) and prescribes the policy and procedures for obtaining such services. The provisions of this subpart are applicable to all Federal agencies.

§ 101-32.801 Definitions.

As used in this subpart 101-32.8, the following terms shall have the meanings set forth in this § 101-32.801.

§ 101-32.801-1 Federal Data Processing Center.

"Federal Data Processing Center" (FDPC) means a data processing center, operated either by GSA or by another agency under a delegation of authority from the Administrator of General Services, performing a variety of data processing and related services for two or more Federal agencies.

§ 101-32.801-2 Detailed automatic data processing systems design.

"Detailed automatic data processing systems design" means the development of the technical data processing details, such as computer program design (mainline and modules) processing sequences, internal computer audit trails, data processing related edits, data processing housekeeping functions, internal computer logic, and related matters from the point of data conversion to machine sensible form or data entry for an online

system to the point of release of output to the user, required to meet the user requirements and specifications developed in a general systems study.

§ 101-32.802 General.

An FDPC is located at each GSA regional office. Additional FDPC's may be established where feasibility studies indicate a need exists. GSA operated FDPC's are financed by the ADP Fund. FDPC's operated by other agencies under a delegation of authority may be, but are not necessarily, financed by the ADP Fund. In either instance, mutually satisfactory arrangements for reimbursing the FDPC for services rendered will be worked out between the requesting agency and the FDPC.

§ 101-32.803 Services available from FDPC's.

Services available from FDPC's include machine time, software, data conversion, and personnel such as programmers and systems analysts capable of performing detailed ADP systems design. GSA regional ADP sharing exchanges periodically issue ADP Sharegrams which announce the availability of specific services and associated costs.

§ 101-32.804 Point of contact.

(a) Agencies that require any of the services available from FDPC's which have not been satisfied through the procedures set forth in § 101-32.203 should contact the appropriate GSA regional ADP sharing exchanges as shown in Subpart 101-32.48.

(b) Agencies desiring assistance in the performance of general systems studies, as defined in § 101-11.1004 of this chapter, may request such assistance from the National Archives and Records Service in accordance with the provisions of § 101-11.1005 of this chapter.

Subparts 101-32.9—101-32.46
[Reserved]

Effective date. This regulation is effective upon publication in the *FEDERAL REGISTER*.

Dated: December 8, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.
[F.R. Doc. 70-16778; Filed, Dec. 14, 1970;
8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

TRANSFER OF REGULATIONS

CROSS REFERENCE: For a document transferring regulations from Chapter I to Chapter IV of Title 45, see F.R. Doc. 70-16941, *infra*. The parts affected are as follows:

RULES AND REGULATIONS

<i>Former Part No. Chapter I</i>	<i>New Part No. Chapter IV</i>
56 -----	456
59 -----	459
75 -----	475
76 -----	476
77 -----	deleted
79 -----	479
81 -----	481

**Chapter IV—Environmental
Protection Agency**

**ESTABLISHMENT OF CHAPTER AND
RECODIFICATION OF REGULATIONS**

Pursuant to Reorganization Plan No. 3 of 1970, which created the Environmental Protection Agency, a new Chapter IV is established in Title 42, Code of Federal Regulations to read as set forth

above, and the regulations formerly appearing in Chapter I of Title 42 are hereby transferred to Chapter IV of Title 42 and redesignated as follows:

<i>Former Part No. Chapter I</i>	<i>New Part No. Chapter IV</i>
56 -----	456
59 -----	459
75 -----	475
76 -----	476
77 -----	deleted
81 -----	481

(Reorganization Plan No. 3 of 1970 (35 F.R. 15623))

WILLIAM D. RUCKELSHAUS,
Administrator.

DECEMBER 11, 1970.

[F.R. Doc. 70-16941; Filed, Dec. 14, 1970;
10:23 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

126 CFR Part 11

INCOME TAX

Treatment of Letters, Memorandums and Similar Property and of Gains and Losses From Involuntary Conversions

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestion pertaining thereto which are submitted in writing, in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 341, 817, 1221, and 1231 of the Internal Revenue Code of 1954 to sections 514, relating to letters, memorandums, and similar property, and 516(b), relating to certain casualty losses, of the Tax Reform Act of 1969 (83 Stat. 643, 646), such regulations are amended as follows:

PARAGRAPH 1. Section 1.341 is amended by revising section 341(e) (5) (A) (iv) and the historical note to read as follows:

§ 1.341 Statutory provisions; collapsible corporations.

SEC. 341. *Collapsible corporations.* * * *
(e) *Exceptions to application of section.* * * *
(5) *Subsection (e) asset defined*
(A) * * *

(iv) Property (unless included under clause (i), (ii), or (iii)) which consists of a copyright, a literary, musical, or artistic com-

position, a letter or memorandum, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of, or (in the case of a letter, memorandum, or similar property) was prepared, or produced in whole or in part for, any individual who owns more than 5 percent in value of the stock of the corporation.

[Sec. 341 as amended by sec. 20, Technical Amendments Act 1958 (72 Stat. 1015); sec. 13(f) (4), Rev. Act 1962 (76 Stat. 1035); sec. 231(b) (4), Rev. Act 1964 (78 Stat. 105); sec. 514(b) Tax Reform Act 1969 (83 Stat. 643)]

PAR. 2. Section 1.341-6 is amended by revising paragraph (b) (2) (iv) to read as follows:

§ 1.341-6 Exceptions to application of section.

(b) *Subsection (e) asset defined.* * * *

(2) *Categories of subsection (e) assets.* * * *

(iv) The fourth category of subsection (e) assets is property (unless included under subdivision (i), (ii), or (iii) of this subparagraph) which consists of a copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of, or, in the case of a letter, memorandum, or property similar to a letter or memorandum, was prepared, or produced in whole or in part for, any individual actual or constructive shareholder who is considered to own more than 5 percent in value of the outstanding stock of the corporation. For items included in the phrase "similar property" see paragraph (c) of § 1.1221-1. In general property is created in whole or in part by the personal efforts of an individual if such individual perform literary, theatrical, musical, artistic, or other creative or productive work which affirmatively contributes to the creation of the property, or if such individual directs and guides others in the performance of such work. A corporate executive who merely has administrative control of writers, actors, artists, or personnel and who does not substantially engage in the direction and guidance of such persons in the performance of their work, does not create property by his personal efforts. A letter or memorandum addressed to an individual shall be considered as prepared or produced for him. In the case of a letter, memorandum, or property similar to a letter or memorandum, this subdivision applies only to sales and other dispositions occurring after July 25, 1969.

PAR. 3. Section 1.817-2 is amended by revising paragraph (b) (1) (i) (c) to read as follows:

§ 1.817-2 Treatment of capital gains and losses.

(b) *Modification of sections 1221 and 1231.* (1) * * *

(i) * * *

(c) A copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property held by a taxpayer described in section 1221(3). In the case of a letter, memorandum, or property similar to a letter or memorandum, this (c) applies only to sales and other dispositions occurring after July 25, 1969.

PAR. 4. Section 1.1221 is amended by revising paragraph (3) of section 1221 and the historical note to read as follows:

§ 1.1221 Statutory provisions; capital asset defined.

SEC. 1221. *Capital asset defined.* * * *

(3) A copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, held by—

(A) A taxpayer whose personal efforts created such property,

(B) In the case of a letter, memorandum, or similar property, a taxpayer for whom such property was prepared or produced, or

(C) A taxpayer in whose hands the basis of such property is determined, for purposes of determining gain from a sale or exchange, in whole or part by reference to the basis of such property in the hands of a taxpayer described in subparagraph (A) or (B);

[Sec. 1221 as amended by sec. 514(a), Tax Reform Act 1969 (83 Stat. 643)]

PAR. 5. Section 1.1221-1 is amended by revising paragraph (c) to read as follows:

§ 1.1221-1. Meaning of terms.

(c) (1) A copyright, a literary, musical, or artistic composition, and similar property are excluded from the term "capital assets" if held by a taxpayer whose personal efforts created such property, or if held by a taxpayer in whose hands the basis of such property is determined, for purposes of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property. For purposes of this subparagraph, the phrase "similar property" includes, for example, such property as a theatrical production, a radio program, a newspaper cartoon strip, or any other property eligible for copyright protection (whether under statute or common law), but does not include a patent or an invention, or a design which may be protected only under the patent law and not under the copyright law.

(2) In the case of sales and other dispositions occurring after July 25, 1969, a letter, a memorandum, or similar property is excluded from the term "capital asset" if held by (i) a taxpayer whose personal efforts created such property, (ii) a taxpayer for whom such property was prepared or produced, or (iii) a taxpayer in whose hands the basis of such property is determined, for purposes of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of a taxpayer described in subdivision (i) or (ii) of this subparagraph. In the case of a collection of letters, memorandums, or similar property held by an individual who is a taxpayer described in subdivision (i), (ii), or (iii) of this subparagraph as to some of such letters, memorandums, or similar property but not as to others, this subparagraph shall apply only to those letters, memorandums, or similar property as to which such individual is a taxpayer described in such subdivision. For purposes of this subparagraph, the phrase "similar property" includes, for example, such property as a draft of a speech, a manuscript, a research paper, an oral recording made for dictation purposes, a transcript of an oral interview, a personal or business diary, a log or journal, a corporate archive including a corporate charter, office correspondence, a financial record, a drawing, a photograph, or a dispatch. A letter or memorandum addressed to an individual shall be considered as prepared or produced for him.

(3) For the application of section 1231 to the sale or exchange of property to which this paragraph applies, see § 1.1231-1. For the application of section 170 to the charitable contribution of property to which this paragraph applies, see section 170(e) and the regulations thereunder.

PAR. 6. Section 1.1231 is amended by revising so much of section 1231(a) as follows paragraph (1), by revising section 1231(b)(1)(C), by revising section 1231(b)(3), and by revising the historical note, as follows:

§ 1.1231 Statutory provisions; property used in the trade or business and involuntary conversions.

SEC. 1231. *Property used in the trade or business and involuntary conversions*—(a) *General rule.* * * *

(2) Losses (including losses not compensated for by insurance or otherwise) upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of (A) property used in the trade or business or (B) capital assets held for more than 6 months shall be considered losses from a compulsory or involuntary conversion.

In the case of any involuntary conversion (subject to the provisions of this subsection but for this sentence) arising from fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months, this subsection shall not apply to such conversion (whether resulting in gain or loss) if during the tax-

able year the recognized losses from such conversions exceed the recognized gains from such conversions.

(b) *Definition of property used in the trade or business.* * * *

(1) *General rule.* * * *

(C) A copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, held by a taxpayer described in paragraph (3) of section 1221.

(3) *Livestock.* Such term includes—

(A) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 24 months or more from the date of acquisition, and

(B) Other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 12 months or more from the date of acquisition.

Such term does not include poultry.

[Sec. 1231 as amended by sec. 49, Technical Amendments Act 1958 (72 Stat. 1642); sec. 227, Rev. Act 1964 (78 Stat. 97); secs. 212(b)(1), 514(b)(2), and 516(b), Tax Reform Act 1969 (83 Stat. 571, 643, 646)]

PAR. 7. Section 1.1231-1 is amended by revising paragraphs (a), (c)(1)(ii), so much of paragraph (c) as follows subparagraph (5), and (e), by revising so much of example (1) in paragraph (g) as follows the tabulation therein, and by adding examples (4) through (8) to paragraph (g) as follows:

§ 1.1231-1 Gains and losses from the sale or exchange of certain property used in the trade or business.

(a) *In general.* Section 1231 provides that, subject to the provisions of paragraph (e) of this section, a taxpayer's gains and losses from the disposition (including involuntary conversion) of assets described in that section as "property used in the trade or business" and from the involuntary conversion of capital assets held for more than 6 months shall be treated as long-term capital gains and losses if the total gains exceed the total losses. If the total gains do not exceed the total losses, all such gains and losses are treated as ordinary gains and losses. Therefore, if the taxpayer has no gains subject to section 1231, a recognized loss from the condemnation (or from a sale or exchange under threat of condemnation) of even a capital asset held for more than 6 months is an ordinary loss. Capital assets subject to section 1231 treatment include only capital assets involuntarily converted. The noncapital assets subject to section 1231 treatment are (1) depreciable business property and business real property held for more than 6 months, other than stock in trade and certain copyrights, artistic property, and (in the case of sales and other dispositions occurring after July 25, 1969) letters and memorandums; (2) timber, coal, and iron ore, but only to the extent that section 631 applies thereto; and (3) certain livestock and unharvested crops. See paragraph (c) of this section.

(c) *Transactions to which section applies.* * * *

(1) * * *

(ii) A copyright, a literary, musical, or artistic composition, or similar property, or (in the case of sales and other dispositions occurring after July 25, 1969) a letter, memorandum, or property similar to a letter or memorandum, held by a taxpayer described in section 1221(3); or

(5) * * *

For purposes of section 1231, the phrase "property used in the trade or business" means property described in this paragraph (other than property described in subparagraph (2) of this paragraph). Notwithstanding any of the provisions of this paragraph, section 1231(a) does not apply to gains and losses under the circumstances described in paragraph (e) (2) and (3) of this section.

(e) *Involuntary conversion*—(1) *General rule.* For purposes of section 1231, the terms "compulsory or involuntary conversion" and "involuntary conversion" of property mean the conversion of property into money or other property as a result of complete or partial destruction, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof. Losses upon the complete or partial destruction, theft, seizure, requisition, or condemnation of property are treated as losses upon an involuntary conversion whether or not there is a conversion of the property into other property or money and whether or not the property is uninsured, partially insured, or totally insured. For example, if a capital asset held for more than 6 months, with an adjusted basis of \$400, but not held for the production of income, is stolen, and the loss which is sustained in the taxable year 1956 is not compensated for by insurance or otherwise, section 1231 applies to the \$400 loss. For certain exceptions to this subparagraph, see subparagraphs (2) and (3) of this paragraph.

(2) *Certain uninsured losses.* Notwithstanding the provisions of subparagraph (1) of this paragraph, losses sustained during a taxable year beginning after December 31, 1957, and before January 1, 1970, with respect to both property used in the trade or business and any capital asset held for more than 6 months and held for the production of income, which losses arise from fire, storm, shipwreck, or other casualty, or from theft, and which are not compensated for by insurance in any amount, are not losses to which section 1231(a) applies. Such losses shall not be taken into account in applying the provisions of this section.

(3) *Exclusion of gains and losses from certain involuntary conversions.* Notwithstanding the provisions of subparagraph (1) of this paragraph, if for any taxable year beginning after December 31, 1969, the recognized losses from the involuntary conversion as a result of fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months exceed

the recognized gains from the involuntary conversion of any such property as a result of fire, storm, shipwreck, or other casualty, or from theft, such gains and losses are not gains and losses to which section 1231 applies and shall not be taken into account in applying the provisions of this section. The net loss, in effect, will be treated as an ordinary loss. This subparagraph shall apply whether such property is uninsured, partially insured, or totally insured and, in the case of a capital asset held for more than 6 months, whether the property is property used in the trade or business, property held for the production of income, or a personal asset.

(g) Examples. * * *

Example (1). * * *

Since the aggregate of the recognized gains (\$12,500) exceeds the aggregate of the recognized losses (\$9,000), such gains and losses are treated under section 1231 as gains and losses from the sale or exchange of capital assets held for more than 6 months.

Example (4). A, an individual, makes his income tax return on a calendar year basis. During 1970 trees on A's residential property which were planted in 1950 after the purchase of such property were destroyed by fire. The loss, which was in the amount of \$2,000 after applying section 165(c) (3), was not compensated for by insurance or otherwise. During the same year A also recognized a \$1,500 gain from insurance proceeds compensating him for the theft sustained in 1970 of a diamond brooch purchased in 1960 for personal use. A has no other gains or losses for 1970 from the involuntary conversion of property. Since the recognized losses exceed the recognized gains from the involuntary conversion for 1970 as a result of fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months, neither the gain nor the loss is included in making the computations under section 1231.

Example (5). The facts are the same as in example (4), except that A also recognized a gain of \$1,000 from insurance proceeds compensating him for the total destruction by fire of a truck, held for more than 6 months, used in A's business and subject to an allowance for depreciation. A has no other gains or losses for 1970 from the involuntary conversion of property. Since the recognized losses (\$2,000) do not exceed the recognized gains (\$2,500) from the involuntary conversion for 1970 as a result of fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months, such gains and losses are included in making the computations under section 1231. Thus, if A has no other gains or losses for 1970 to which section 1231 applies, the gains and losses from these involuntary conversions are treated under section 1231 as gains and losses from the sale or exchange of capital assets held for more than 6 months.

Example (6). The facts are the same as in example (5) except that A also has the following recognized gains and losses for 1970 to which section 1231 applies:

	Gains	Losses
Gain on sale of machinery, used in the business and subject to an allowance for depreciation, held for more than 6 months.....	\$4,000	

Gain reported in 1970 (under sec. 453) in installment sale in 1969 of factory premises used in the business (including building and land, each held for more than 6 months)	0,000
Gain reported in 1970 (under sec. 453) on installment sale in 1970 of land held for more than 6 months, used in the business as a storage lot for trucks	2,000
Loss upon the sale in 1970 of warehouse, used in the business and subject to an allowance for depreciation, held for more than 6 months.....	\$5,000

Total gains..... 12,000

Total losses..... 5,000

Since the aggregate of the recognized gains (\$14,500) exceeds the aggregate of the recognized losses (\$7,000), such gains and losses are treated under section 1231 as gains and losses from the sale or exchange of capital assets held for more than 6 months.

Example (7). B, an individual, makes his income tax return on the calendar year basis. During 1970 furniture used in his business and held for more than 6 months was destroyed by fire. The recognized loss, after compensation by insurance, was \$2,000. During the same year B recognized a \$1,000 gain upon the sale of a parcel of real estate used in his business and held for more than 6 months, and a \$6,000 loss upon the sale of stock held for more than 6 months. B has no other gains or losses for 1970 from the involuntary conversion, or the sale or exchange of, property. The \$6,000 loss upon the sale of stock is not a loss to which section 1231 applies since the stock is not property used in the trade or business, as defined in section 1231(b). The \$2,000 loss upon the destruction of the furniture is not a loss to which section 1231 applies since the recognized losses (\$2,000) exceed the recognized gains (\$0) from the involuntary conversion for 1970 as a result of fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months. Accordingly, the \$1,000 gain upon the sale of real estate is considered to be gain from the sale or exchange of a capital asset held for more than 6 months since the gains (\$1,000) to which section 1231 applies exceed the losses (\$0) to which such section applies.

Example (8). The facts are the same as in example (7) except that B also recognized a gain of \$4,000 from insurance proceeds compensating him for the total destruction by fire of a freighter, held for more than 6 months, used in B's business and subject to an allowance for depreciation. Since the recognized losses (\$2,000) do not exceed the recognized gains (\$4,000) from the involuntary conversion for 1970 as a result of fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset held for more than 6 months, such gains and losses are included in making the computations under section 1231. Since the aggregate of the recognized gains to which section 1231 applies (\$5,000) exceeds the aggregate of the recognized losses to which such section applies (\$2,000), such gains and losses are treated under section 1231 as gains and losses from the sale or exchange of capital

Gains Losses

assets held for more than 6 months. The \$6,000 loss upon the sale of stock is not taken into account in making such computation since it is not a loss to which section 1231 applies.

[F.R. Doc. 70-16825; Filed, Dec. 14, 1970; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1136]

[Docket No. AO 309-A17]

MILK IN GREAT BASIN MARKETING AREA

Notice of Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on December 2, 1970 (35 F.R. 18621), giving notice of a public hearing to be held at the Salt Lake City County Health Department Auditorium, 610 South Second East, Salt Lake City, UT, beginning at 10 a.m., on January 6, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Salt Lake City County Health Department Auditorium, 610 South Second East, Salt Lake City, UT, beginning at 10 a.m., on January 20, 1971.

Signed at Washington, D.C., on December 9, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-16771; Filed, Dec. 14, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 253]

COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by section 8 of the Commercial Fisheries Research and Development Act, as amended (82 Stat. 957; 16 U.S.C. 779 et seq.), and Reorganization Plan Number 4 of 1970, effective October 3, 1970 (35 F.R. 15627), it is proposed to amend Part 253 of Title 50, Code of Federal Regulations, as set forth below. The purpose of this amendment is to establish procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries

resources of the Nation. This amendment removes obsolete language, clarifies certain definitions, adds coverage responsive to recent legislation, and establishes uniform terminology. In view of the numerous changes, this amendment is set forth as a complete revision of the regulations. The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553(a)(2)). However, it is policy that, whenever practicable, the rule making requirements be observed voluntarily.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Marine Fisheries Service, Department of Commerce, Interior Building, Washington, D.C. 20235, within 30 days of the date of publication of this notice in the *FEDERAL REGISTER*.

Sec.

- 253.1 Definitions.
- 253.2 Interpretation of the authorization.
- 253.3 General provisions.
- 253.4 Use of funds.
- 253.5 Environment.
- 253.6 Water pollution control.

AUTHORITY: The provisions of this Part 253 issued under sec. 8, 78 Stat. 197 (16 U.S.C. 779f), as modified by Reorganization Plan No. 4 of 1970, effective October 3, 1970 (35 F.R. 15627).

§ 253.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary*. The Secretary of Commerce or his authorized representatives.

(b) *Act*. The Commercial Fisheries Research and Development Act of 1964, Public Law 88-309, 78 Stat. 197, as amended by Public Law 90-551, 82 Stat. 957 (16 U.S.C. 779 et seq.).

(c) *Cooperator*. A State agency participating in a cooperative agreement with the Secretary.

(d) *Project proposal*. A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(e) *Cooperative agreement*. The contract for research and development activities to be carried on as provided by the Act and these Regulations. Such agreement shall set forth the terms and conditions binding upon the cooperator and the Secretary, including the objectives, procedures, costs, the term of the agreement, and such other provisions as may be appropriate.

(f) *Aquatic plants and animals*. All animals and plants growing or living in or upon water, including finfish, shellfish, and other marine invertebrates, fur seals, whales and other marine mammals, frogs, turtles, and algae.

(g) *Commercial fisheries resources*. Any aquatic plant or animal available or potentially available for harvesting with the primary intent of commercial use as either raw or manufactured products.

§ 253.2 Interpretation of the authorization.

The terms used in the Act to describe the authorization to the Secretary for program and apportionment purposes are construed to be limited to the meanings ascribed in this section.

(a) *Research and development*. The words "research and development" mean program of work, including construction and acquisition, designed to acquire knowledge of commercial fisheries resources and their environment and to develop and apply methods and techniques to enhance such commercial fisheries resources including their harvest, conservation, and utilization.

(b) *Raw fish harvested by domestic commercial fishermen and received within a State*. The words "raw fish harvested by domestic commercial fishermen and received within a State" mean aquatic plants and animals harvested by individuals, associations, partnerships, or corporations resident in and authorized to do business in any State and engaged in harvesting of commercial fisheries resources or the processing and manufacturing of products therefrom. Aquatic plants and animals are received within a State when transferred from a catcher vessel within the jurisdiction of a State or permanently removed from a fish production facility.

(c) *Manufactured and processed fishery merchandise*. The words "manufactured and processed fishery merchandise" mean commercial fisheries resources or parts thereof after undergoing a change(s) contributing to or achieving a condition of readiness for sale.

(d) *Developing a new commercial fishery*. The words "developing a new commercial fishery" mean establishing a commercial fisheries resource not common to or being utilized in a State.

(e) *Commercial fishery failure due to a resource disaster arising from natural or undetermined causes*. The words "commercial fishery failure due to a resource disaster arising from natural or undetermined causes" mean a serious disruption of a commercial fisheries resource affecting present or future productivity. It does not include inability to sell raw fish or manufactured and processed fishery merchandise.

(f) *Supplement and, to the extent practicable, increase the amounts of State funds*. The words "supplement and, to the extent practicable, increase the amounts of State funds" mean that State funds, to be used for at least 25 percent of the cost of a project financed with funds under subsection 4(a) of the Act for research and development, will be additional funds provided for this purpose and will not be funds diverted from existing commercial fishery research and development activities.

(g) *State*. The word "State" means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

§ 253.3 General provisions.

(a) *Designation of State agency*. The Governor of each State shall notify the Secretary which agency of the State government is authorized under its laws to regulate commercial fisheries and is designated to submit project proposals and to enter into cooperative agreements. An official of such agency shall certify as to the official(s) authorized in accordance with State law to commit the State to participation under the Act, to sign project documents, and to receive payments. The Secretary shall be advised promptly of any changes made in such authorizations.

(b) *Project proposal*. A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(c) *Cooperative agreement*. (1) After the Secretary has approved a project proposal, activities to be undertaken by the cooperator and the obligation of Federal funds shall be evidenced by a cooperative agreement executed by the cooperator and the Secretary. Such agreement may be amended by mutual consent of the parties.

(2) The cooperative agreement shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Federal Aid for Fisheries Handbook, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Prosecution of work*. (1) The prosecution of work by the cooperator shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Cooperative agreements may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(e) *Economy and efficiency of operations*. No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

(f) *Subcontracts*. In the performance of work under a cooperative agreement, subcontracts shall be solicited and awarded according to the laws and regulations of the State provided the Secretary is satisfied that adequate steps have been taken to insure economical and efficient services and impartial selection of subcontractors.

§ 253.4 Use of funds.

(a) *Apportionment and obligation of subsection 4(a) funds.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify respective States of the amount of funds authorized under subsection 4(a) of the Act and apportioned to each State under subsection 5(a) of the Act. Funds apportioned to a State in any fiscal year shall remain available to it for obligation until the end of the succeeding fiscal year, and if unobligated at that time, such funds shall be returned to the Treasury of the United States.

(b) *Use of authorized funds for commercial fisheries resource disaster.* (1) The Secretary shall cause to be published in the FEDERAL REGISTER a notice that a commercial fisheries resource disaster exists at the time such a finding is made. After such publication, project proposals for restoration of commercial fisheries resources affected by a resource disaster will be given preference over other project proposals with respect to the use of funds obtained under subsection 4(b) of the Act.

(2) Federal funds may be used for 100 percent of the cost of a project proposal if all the funds are obtained from appropriations authorized under subsection 4 (b) of the Act.

(3) In the event that no commercial fisheries resource disaster has occurred, the Secretary may, if he deems such action to be in furtherance of the purposes of the Act, approve project proposals for funding under subsection 4(b) of the Act from funds carried over from previous fiscal years: *Provided, however,* That no project proposal from a State will be funded under this subsection until that State has obligated all available apportioned funds, if any, obtained from appropriations authorized under subsection 4(a) of the Act.

(c) *Use of funds for developing a new commercial fishery.* (1) Project proposals related to the development of a new commercial fishery may be approved only after the Secretary determines that such proposals will reasonably accomplish the development of a new commercial fisheries resource within the State.

(2) With respect to project proposals under this subsection, the Secretary may finance 100 percent of the cost of project proposals.

(3) A project proposal for the development of a new commercial fisheries resource may be approved without any requirement that the State submitting the project proposal has obligated all apportioned funds, if any, obtained from appropriation authorized under subsection 4(a) of the Act.

§ 253.5 Environment.

Projects contracted for shall be performed in such a manner so as to be consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.).

§ 253.6 Water pollution control.

In the performance of work under a cooperative agreement the State shall

take such action as is necessary to avoid pollution of water as a direct or indirect result of a contract activity. Water quality must be maintained at a level consistent with applicable water quality standards.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

DECEMBER 8, 1970.

[F.R. Doc. 70-16766; Filed, Dec. 14, 1970;
8:46 a.m.]

[50 CFR Part 254]

CONTROL OR ELIMINATION OF JELLYFISH

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce under provisions of Public Law 89-720, 80 Stat. 1149, as amended 84 Stat. 922 (16 U.S.C. 1201 et seq.), and Reorganization Plan Number 4 of 1970, effective October 3, 1970 (35 F.R. 15627), it is proposed to amend Part 254 of Title 50, Code of Federal Regulations, as set forth below. The purpose of this amendment is to establish procedures to be used by the Secretary in providing financial assistance to State agencies for the control or elimination of jellyfish and other such pests and control of floating seaweed. This amendment clarifies certain definitions, establishes uniform terminology, and adds coverage responsive to recent legislation. In view of the numerous changes, this amendment is set forth as a complete revision of the regulations. The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553(a)(2)). However, it is policy that, whenever practicable, the rule making requirements be observed voluntarily.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.

- 254.1 Definitions.
- 254.2 Funding priorities.
- 254.3 General provisions.
- 254.4 Availability of funds.
- 254.5 Use of funds.
- 254.6 Environment.
- 254.7 Water pollution control.

AUTHORITY: The provisions of this Part 254 issued under 80 Stat. 1149 (16 U.S.C. 1201 et seq.), as modified by Reorganization Plan No. 4 of 1970, effective October 3, 1970 (35 F.R. 15627).

§ 254.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of Commerce or his authorized representatives.

(b) *Act.* Public Law 89-720, 80 Stat. 1149, as amended by Public Law 91-451, 84 Stat. 922 (16 U.S.C. 1201 et seq.).

(c) *State.* Any coastal State of the United States and the Commonwealth of Puerto Rico.

(d) *State agency.* The department(s), division(s), or commission(s) of a State empowered under its laws to manage or administer fish and shellfish resources or water-based recreation programs.

(e) *Cooperator.* A State agency participating in a cooperative agreement with the Secretary.

(f) *Coastal waters.* For the purpose of this Act, coastal waters include all or part of the mouth of a navigable or interstate stream or body of water, bays, sounds, lagoons, channels, estuaries, and other such waters.

(g) *Jellyfish.* Commonly known as "sea nettle," belonging to the phylum Coelenterata.

(h) *Other such pests.* All other species belonging to the phyla Coelenterata and Ctenophora which adversely affect fish, shellfish, or water-based recreation.

(i) *Floating seaweed.* Marine plants including marine algae.

(j) *Project proposal.* A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(k) *Cooperative agreement.* The contract for research, control, or elimination of jellyfish and other such pests or the control of floating seaweed to be carried on as provided by the Act and the regulations in this part. Such agreement shall set forth the terms and conditions binding upon the cooperator and the Secretary, including the objectives, procedures, costs, the term of the agreement, and such other provisions as may be appropriate.

§ 254.2 Funding priorities.

Funding priorities shall be given to those activities having the greatest potential for controlling or eliminating jellyfish and other such pests for the purposes of conserving and protecting the fish and shellfish resources in coastal waters.

§ 254.3 General provisions.

(a) *Designation of State agency.* A State agency authorized under its laws to manage or administer fish or shellfish resources or water-based recreational programs may submit project proposals and enter into cooperative agreements with the Secretary.

(b) *Project proposal.* A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(c) *Cooperative agreement.* (1) After the Secretary has approved a project proposal, activities to be undertaken by the cooperator and the obligation of Federal funds shall be evidenced by a cooperative agreement executed by the cooperator and the Secretary. Such agreement may be amended by mutual consent of the parties.

(2) The cooperative agreement shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Federal Aid for Fisheries Handbook, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Prosecution of work.* (1) The prosecution of work by the cooperator shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Cooperative agreements may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(e) *Economy and efficiency of operations.* No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

(f) *Subcontracts.* In the performance of work under a cooperative agreement, subcontracts shall be solicited and awarded according to the laws and regulations of the State provided the Secretary is satisfied that adequate steps have been taken to insure economical and efficient services and impartial selection of subcontractors.

§ 254.4 Availability of funds.

Language appearing in Appropriation Acts providing funds for this program will govern the period during which the funds may be obligated.

§ 254.5 Use of funds.

(a) *Apportionment and obligation of Jellyfish funds.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify the States through publication in the FEDERAL REGISTER of the amount of funds authorized under the Act to carry out the purpose of the Act. Federal funds are tentatively made available for obligation for a specified period within the fiscal year in which appropriated. If the total or any portion thereof is unobligated at the end of this allocation period, such funds may be withdrawn and reallocated for obligation.

(b) *Administrative funds.* The National Marine Fisheries Service will finance its administrative cost from the appropriation made available by the Act. This administrative cost shall not exceed eight (8) percent of the appropriation.

(c) *Level of Federal funding.* Cost of activities under cooperative agreements shall be borne equally by the Federal Government and by the Cooperator. Eligible Cooperator matching funds are those available to the Cooperator agency from any non-Federal source.

§ 254.6 Environment.

Projects contracted for shall be performed in such a manner so as to be consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.).

§ 254.7 Water pollution control.

In the performance of work under a cooperative agreement the State shall take such action as is necessary to avoid pollution of water as a direct or indirect result of a contract activity. Water quality must be maintained at a level consistent with applicable water quality standards.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

DECEMBER 8, 1970.

[F.R. Doc. 70-16767; Filed, Dec. 14, 1970;
8:46 a.m.]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Massachusetts as set forth in the following new §§ 481.141-481.142 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Metropolitan Boston Intrastate Air Quality Control Region (Massachusetts) (§ 481.19), the Hartford-New Haven-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) (§ 481.26), and the Metropolitan Providence Interstate Air Quality Control Region (Massachusetts-Rhode Island) (§ 481.31), as provided for in section 107(a)(2) of the Clean Air Act, as amended.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Connecticut, Massachusetts, and Rhode Island and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions, are hereby given notice of an

opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 1 p.m., December 17, 1970, in Room 320 of the Office of the Division of Environmental Health, Department of Public Health, 600 Washington Street, Boston, MA 02111.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows: -

§ 481.141 Berkshire Intrastate Air Quality Control Region.

The Berkshire Intrastate Air Quality Control Region (Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:
Berkshire County.

§ 481.142 Central Massachusetts Intrastate Air Quality Control Region.

The Central Massachusetts Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:

TOWNSHIPS

Ashburnham.	Mendon.
Ashby.	Millbury.
Athol.	Millville.
Auburn.	New Braintree.
Barre.	Northborough.
Berlin.	Northbridge.
Blackstone.	North Brookfield.
Boylston.	Oakham.
Brookfield.	Oxford.
Charlton.	Paxton.
Clinton.	Petersham.
Douglas.	Phillipston.
Dudley.	Princeton.
East Brookfield.	Royalston.
Grafton.	Rutland.
Hardwick.	Shirley.
Harvard.	Shrobsbury.
Holden.	Southbridge.
Hopedale.	Spencer.
Hubbardston.	Sterling.
Lancaster.	Sturbridge.
Leicester.	Sutton.
Leominster.	Templeton.
Lunenburg.	Townsend.

TOWNSHIPS—Continued

Upton.	West Boylston.
Uxbridge.	West Brookfield.
Warren.	Westminster.
Webster.	Winchendon.
Westborough.	

CITIES

Fitchburg.	Worcester.
Gardner.	

§ 481.31 [Amended]

The Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) (§ 481.31) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The entire State of Rhode Island.
In the State of Massachusetts:

CITIES

Attleboro.	New Bedford.
Fall River.	Taunton.

TOWNSHIPS

Acushnet.	Middleborough.
Bellingham.	Millville.
Berkley.	North Attleborough.
Blackstone.	Norton.
Bourne.	Plainville.
Carver.	Plymouth.
Dartmouth.	Plympton.
Dighton.	Raynham.
Fairhaven.	Rehoboth.
Franklin.	Rochester.
Freetown.	Sandwich.
Halifax.	Seekonk.
Kingston.	Somerset.
Lakeville.	Swansea.
Mansfield.	Wareham.
Marion.	Westport.
Mattapoisett.	Wrentham.

It is now proposed to: (1) Add Barnstable, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Foxborough, Gay Head, Gosnold, Harwich, Mashpee, Medway, Milford, Nantucket, Oak Bluffs, Orleans, Provincetown, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth Townships, in the State of Massachusetts, to the Region; (2) delete Blackstone and Millville Townships, in the State of Massachusetts, from the Region; and (3) change the name of the Region to the Metropolitan Providence-Southeastern Massachusetts Interstate Air Quality Control Region.

§ 481.19 [Amended]

The Metropolitan Boston Intrastate Air Quality Control Region (Massachusetts) (§ 481.19) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:

CITIES

Beverly.	Medford.
Boston.	Melrose.
Brockton.	Newton.
Cambridge.	Peabody.
Chelsea.	Quincy.
Everett.	Revere.
Gloucester.	Salem.
Lynn.	Somerville.
Malden.	Waltham.
Marlborough.	Woburn.

TOWNSHIPS

Abington.	Middleton.
Acton.	Millis.
Arlington.	Milton.
Ashland.	Nahant.
Avon.	Natick.
Bedford.	Needham.
Belmont.	Norfolk.
Braintree.	North Reading.
Bridgewater.	Norwell.
Brookline.	Norwood.
Burlington.	Pembroke.
Canton.	Randolph.
Cohasset.	Reading.
Concord.	Rockland.
Danvers.	Rockport.
Dedham.	Saugus.
Dover.	Scituate.
Duxbury.	Sharon.
East Bridgewater.	Sherborn.
Easton.	Southborough.
Essex.	Stoncham.
Foxborough.	Stoughton.
Framingham.	Sudbury.
Hamilton.	Swampscott.
Hanover.	Topsfield.
Hansen.	Wakefield.
Hingham.	Walpole.
Holbrook.	Watertown.
Hudson.	Wayland.
Hull.	Wellesley.
Ipswich.	Wenham.
Lexington.	West Bridgewater.
Lincoln.	Weston.
Lynnfield.	Westwood.
Manchester.	Weymouth.
Marblehead.	Whitman.
Marshfield.	Wilmington.
Maynard.	Winchester.
Medfield.	Winthrop.

It is now proposed to: (1) Add Bolton, Boxborough, Holliston, Hopkinton, and Stow Townships, in the State of Massachusetts, to the Region; and (2) delete Foxborough Township, in the State of Massachusetts, from the Region.

§ 481.26 [Amended]

The Hartford-New Haven-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) (§ 481.26) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

CITIES

Ansonia.	Hartford.
Bristol.	Meriden.
Derby.	Middletown.

Milford.	Shelton.
New Britain.	Waterbury.
New Haven.	West Haven.

TOWNSHIPS

Andover.	Middlebury.
Avon.	Middlefield.
Beacon Falls.	Naugatuck.
Berlin.	Newington.
Bethany.	North Branford.
Bethlehem.	North Haven.
Bloomfield.	Orange.
Bolton.	Oxford.
Branford.	Plainville.
Burlington.	Plymouth.
Canton.	Portland.
Cheshire.	Prospect.
Cromwell.	Rocky Hill.
Durham.	Seymour.
East Granby.	Simsbury.
East Haddam.	Somers.
East Hampton.	Southbury.
East Hartford.	Southington.
East Haven.	South Windsor.
East Windsor.	Suffield.
Ellington.	Thomaston.
Enfield.	Tolland.
Farmington.	Vernon.
Glastonbury.	Wallingford.
Granby.	Watertown.
Gulford.	West Hartford.
Haddam.	Wethersfield.
Hamden.	Windsor.
Hebron.	Windsor Locks.
Madison.	Wolcott.
Manchester.	Woodbridge.
Marlborough.	Woodbury.

In the State of Massachusetts:

CITIES

Chicopee.	Springfield.
Holyoke.	Westfield.
Northampton.	

TOWNSHIPS

Agawam.	Ludlow.
Amherst.	Middlefield.
Belchertown.	Monson.
Blandford.	Montgomery.
Brimfield.	Palmer.
Chester.	Pelham.
Chesterfield.	Plainfield.
Cummington.	Russell.
Easthampton.	Southampton.
East Longmeadow.	Southwick.
Goshen.	South Hadley.
Granby.	Tolland.
Granville.	Wales.
Hadley.	Ware.
Hampden.	Westhampton.
Hatfield.	West Springfield.
Holland.	Wilbraham.
Huntington.	Williamsburg.
Longmeadow.	Worthington.

It is now proposed to add Franklin County, in the State of Massachusetts, to the Region.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: December 11, 1970.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental
Protection Agency.

[P.R. Doc. 70-16943; Filed, Dec. 14, 1970;
10:23 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-400]

LIMITATION ON PROVISIONS IN NATURAL GAS RATE SCHEDULES RELATING TO MINIMUM TAKE PROVISIONS

Notice of Conference

DECEMBER 7, 1970.

Take notice that on January 6, 1971, a conference will be held pursuant to the provisions of the notice of proposed rule-making in Docket No. R-400 (18 CFR Part 154, 35 F.R. 15163), and in response to the request of Phillips Petroleum Co. The conference will be held at 10 a.m. in Room 2043 in the Federal Power Commission, 441 G Street NW., Washington, DC. The Commission staff proposes an agenda consisting of discussion of: (1) Present contractual limitations on mini-

mum take, (2) existing certificate conditions relating to minimum take, (3) necessity for the proposed rule, (4) modifications or exceptions that should be made if the rule is adopted as set forth in the Commission notice, and (5) any other relevant matters.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16809; Filed, Dec. 14, 1970;
8:50 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

RESERVES OF MEMBER BANKS

Currency and Coin

CROSS REFERENCE: For a document withdrawing a notice of proposed rule making published on June 9, 1970, at 35 F.R. 8892, see F.R. Doc. 70-16775, Title 12, Chapter II, Part 204, *supra*.

Notices

POST OFFICE DEPARTMENT

UNIFORM QUALITY CONTROL PROGRAM

Optional Fabric Specifications for Uniform Clothing

The Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories, has issued specifications for a durable press fabric for optional use in the manufacture of uniform shirts and blouses.

1. *Shirts and blouses*—a. *Fabric*. Effective January 1, 1971, uniform shirts and blouses manufactured in broadcloth, polyester/cotton, conforming to PODUQC—No. 6A, PO Blue 5001, are authorized for purchase under the uniform allowance program. Garments manufactured in the new durable process fabric must be manufactured in accordance with specifications PODUQC—No. 2A, 3A, 8A (male shirts) 12 and 13 (female blouses). Shirts and blouses meeting the above fabric and design specifications are authorized for all categories of uniformed employees.

b. *Insignia*. The new emblem shall be worn on these newly authorized shirts and blouses. The emblem will be centered on the left sleeve approximately three-quarter inch below the shoulder sleeve seam. No craft tab shall be worn on shirts and blouses.

c. *Quality control provisions*. Employees are reminded that the Quality Control Certificate number must be used on a label attached to each garment indicating that the garment has been produced in accordance with requirements of the Postal Service's fabric, color, and manufacturing specifications. Checking for this certificate will assure employees they are receiving the quality of uniforms specified for postal employees. The quality control provision applies to all uniform garments except shoes.

2. *Raingear*. The new emblem must be sewn on raingear purchased on and after January 1, 1971. The emblem will be centered on the left front in line with the second snap fastener of the coat front. On the shortie raincoat, it shall be centered on the breast pocket below the flap. No craft tab is required on raingear.

Effective January 1, 1971, payment will be authorized only for purchases of raingear with the new emblem attached. All raingear must meet the specifications announced in the FEDERAL REGISTER of June 11, 1970. This applies to all uniformed crafts for whom raingear is an authorized uniform item.

3. *Sweaters*. The new emblem must be sewn on all sweaters purchased on and after January 1, 1971. Craft tabs are not required on sweaters. The emblem

will be centered on the left sleeve approximately three-quarter inch below the shoulder sleeve seam.

Effective January 1, 1971, payment will be authorized only for purchases of sweaters with the new emblem attached. This applies to all crafts for whom sweaters are an authorized uniform item.

4. *Uniform items for motor vehicle employees*. The Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories, has issued new specifications for two versions of a uniform cap for motor vehicle employees. These new specifications provide for a uniform cap in a dark blue shade and a cap in the same shade with removable cover for optional purchase.

Requirements covering these items and effective date for purchase are specified below:

1. *Caps*—a. *Cap (regular)*. Specification PODUQC No. 33A. Only authorized and specified uniform fabrics in color POD Blue 5013 (dark blue) shall be used in the manufacture of this cap. The specification provides for caps to be made as follows:

1. Cover—PO Blue (new dark blue shade), oval crown.

2. Chinstrap—Black vinyl strap.

3. Braid—Ultramarine blue No. 65010.

4. One Round Badge Eyelet.—Set appropriately above top of band in bevel of cap at front.

b. *Cap (removable cover)*. Specification PODUQC No. 45. This specification covers the requirements for frame and removable cover. All other requirements are the same as 4(1a) above.

c. *Effective dates*. Effective January 1, 1971, only items manufactured in accordance with the above cap specifications are authorized for purchase. Payment will be made for the above uniform caps, purchased on and after January 1, 1971, only if they are manufactured in conformity with the new specifications.

b. *Wear-out period*. On and after January 1, 1972, motor vehicle employees may not wear uniform caps which conform to prior specifications.

2. *Shirts*. Effective January 1, 1971, uniform shirts purchased by motor vehicle employees will no longer have the two breast pocket craft tabs attached. Motor vehicle employees will wear shirts meeting the same specifications, color and fabric worn by all uniformed categories.

On and after January 1, 1971, payment shall be authorized only for purchases of shirts with the new emblem sewn on the left sleeve.

a. *Insignia*. The new emblem shall be the only insignia worn on shirts. The emblem will be centered on the left sleeve approximately three-quarter inch below the shoulder sleeve seam. No craft tab shall be worn on shirts.

b. *Wear-out period*. On and after January 1, 1972, shirts with the old emblem and craft tabs may not be worn.

3. *Jackets and surcoats*. Effective January 1, 1971, jackets and surcoats purchased by motor vehicle employees shall no longer have the present breast craft tabs—"U.S. Mail" above right breast pocket and "Vehicle Service" above the left breast pocket. On and after January 1, 1971, payment will be authorized only for purchase of jackets and surcoats with the new emblem and the new craft tab attached.

a. *Insignia*. The new emblem and craft pocket tab shall be worn on motor vehicle jackets and surcoats. The emblem will be centered on the left sleeve approximately three-fourth inch below the shoulder sleeve seam. The craft tab shall be centered one-half inch above left breast pocket.

b. *Wear-out period*. On and after January 1, 1972, jackets and surcoats with the old insignia and breast craft tabs may not be worn. Payment is authorized for purchases of the new emblem and craft tab for employees who wish to replace the old insignia on garments presently in their possession.

4. *Payment for fabric*. Employees may be reimbursed for purchases of piece goods for use in home sewing of items of uniform apparel authorized for the employees' craft. Payment shall not be made for purchases of piece goods for home sewing of any item that is not an authorized uniform garment for the craft concerned.

5. *Emblems*—a. *New emblem on garments*. It has come to our attention that some uniform manufacturers and vendors are sewing the new emblem over the old emblem. Such garments are not acceptable. The old emblem must be removed before the new emblem is attached. Employees are hereby notified that unless the old emblem and craft tab are removed from the garments before the new emblem is attached, such garments are not acceptable for payment under the uniform allowance program.

b. *Oversize emblem*. The enlarged version of the new emblem is to be used only in cases where it is necessary to cover the area on garments when the old emblem and craft tab are removed. Manufacturers and vendors shall not sew the enlarged version of the emblem on new uniform garments. We wish to emphasize that the enlarged version of the emblem is to be used only in cases where the area from which the old emblem and craft tab is removed has become faded or the old stitches are obviously unsightly.

(5 U.S.C. 301, 31 U.S.C. 683, 39 U.S.C. 501, 3116)

DAVID A. NELSON,
General Counsel.

[FR. Dec. 70-16764; Filed, Dec. 14, 1970; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 5927]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for Multiple-Use Management. Publication of this notice segregates all the public lands described in this notice from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). These lands should remain open to all other forms of appropriations, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The notice of proposed classification of these lands was published October 7, 1970 in 35 F.R. 15766 and 15767 and was widely publicized. No comments adverse to the proposal were received and the classification is made as proposed.

3. Public lands classified are located in Mohave County, Ariz., and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 27 N., R. 17 W.,
 Sec. 2, lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
 Sec. 4, lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
 Sec. 6, lots 1 to 7, inclusive, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
 Secs. 8, 10, 12, 14, and 16;
 Sec. 18, lots 1 to 4, inclusive, $E\frac{1}{2}$, and $E\frac{1}{2}W\frac{1}{2}$.
 T. 28 N., R. 17 W.,
 Sec. 2, lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
 Sec. 4, lots 5 to 8, inclusive, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
 Sec. 6, lots 8 to 14, inclusive, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
 Secs. 8, 10, 12, 14, and 16;
 Sec. 18, lots 1 to 4, inclusive, $E\frac{1}{2}$, and $E\frac{1}{2}W\frac{1}{2}$;
 Secs. 20, 22, 24, 26, and 28;
 Sec. 30, lots 1 to 4, inclusive, $E\frac{1}{2}$, and $E\frac{1}{2}W\frac{1}{2}$;
 Sec. 32, $N\frac{1}{2}$, and $N\frac{1}{2}S\frac{1}{2}$;
 Sec. 34;
 Sec. 36, $N\frac{1}{2}$, and $N\frac{1}{2}S\frac{1}{2}$.
 T. 27 N., R. 18 W.,
 Sec. 2, lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
 Sec. 4, lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
 Secs. 10, 12, 14, and 16.
 T. 28 N., R. 18 W.,
 Secs. 12, 14, 24, and 26.

The lands aggregate 23,239.08 acres.

4. These lands contain abundant stands of Joshua trees. At the April 9, 1970 public hearing on Classification A 4445 held in Kingman, Ariz., the Mohave County Board of Supervisors and local residents requested that these Joshua tree forest lands be retained in public ownership.

5. The public lands classified in this notice are shown on maps on file and available for inspection in the Kingman Resource Area Office, Radar Hill, Kingman, AZ 86401, and the Land Office, Bureau of Land Management, Room 3204, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

6. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-16779; Filed, Dec. 14, 1970;
 8:47 a.m.]

[Serial No. A 5945]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 8, 1970.

1. The public lands described below contain fossilized mammal tracks and bones which have been identified as having unusual scientific and recreational value. The criteria for classification of land for multiple-use management as found in 43 CFR 2420.2(c) (5) provide for the retention of land which contains public values which would be lost if transferred out of Federal ownership. Tracks include those of antelope and camel. Retention of these lands in Federal ownership will allow for further scientific investigation and study of the area and for future interpretation of the area's historical significance.

2. Therefore, pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for Multiple-Use Management. Publication of this notice has the effect of segregating the public lands described in paragraph 4 from sale under the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from State selection (43 U.S.C. 851, 852); from R.S. 2477 (43 U.S.C. 932); and from appropriation under the mining laws. By Notice of Classification A 467, published in the April 27, 1967, FEDERAL REGISTER, these lands have been previously segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to

the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The notice of proposed classification of these lands was published October 7, 1970 in 35 F.R. 15767 and was widely publicized. All comments received endorsed the proposal and the classification is made as proposed.

4. The public lands described below are located approximately 8 miles west and 1 mile south of Pima, Ariz., as shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz., and in the Safford District Office, 1707 Thatcher Building, Safford, Ariz.

The land is legally described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

GRAHAM COUNTY

T. 6 S., R. 23 E.,
 Sec. 26, $SW\frac{1}{4}SW\frac{1}{4}$;
 Sec. 27, $SW\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$;
 Sec. 34, $N\frac{1}{2}NW\frac{1}{4}$.

The area described aggregates approximately 320 acres.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-16780; Filed, Dec. 14, 1970;
 8:47 a.m.]

[Serial No. A 2696 A]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Part 2400 and 2460, the public lands described below are hereby classified for Multiple-Use Management. Publication of this notice has the effect of segregating the public lands described in paragraph 4 from sale under the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from State selection (43 U.S.C. 851, 852); from R.S. 2477 (43 U.S.C. 932); and from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and from appropriation under the mining laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands involved lie on the north and south rims of the Aravaipa Canyon in Pinal County, Ariz. The public lands

in the Canyon were classified for multiple-use on November 23, 1968 and designated by secretarial order on January 10, 1969 as the Aravaipa Canyon Primitive Area. Inclusion of this additional public land is necessary to provide for proper administration, protection and use of the outstanding public values of the Canyon area.

3. The notice of proposed classification of these lands was published October 7, 1970 in 35 F.R. 15766. On July 22, 1970, a public meeting was held in San Manuel, Ariz., to discuss a management plan for the public lands in the Aravaipa Canyon area. It was proposed at that time that the lands listed below be added to the Primitive Area. There has been general public endorsement of the proposal.

4. As provided in paragraph 1 above, the public lands in the areas described below are segregated from sale, exchange, selection, and from appropriation under the agricultural and mining laws.

GLA AND SALT RIVER MERIDIAN, ARIZONA

T. 6 S., R. 18 E.,

Sec. 13, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 17, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.

5. The lands described above aggregate 400 acres.

6. The lands classified in this notice are shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, AZ, and in the Safford District Office, Bureau of Land Management, Safford, Ariz.

7. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-16781; Filed, Dec. 14, 1970;
8:47 a.m.]

[R-3342]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 23, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2460, the public lands in paragraph 4 are classified for multiple-use management.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910

of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. Comments received following publication of the notice of proposed classification (35 F.R. 14565) on September 17, 1970 and after the hearing held in Spring Valley on October 15, 1970, were generally favorable. There are no changes in the classification from the proposed classification.

4. The following described lands located within San Diego County are classified for multiple-use management.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 17 S., R. 1 E.,

Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 29, W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 18 S., R. 1 E.,

Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 17 S., R. 2 E.,

Sec. 2, lots 1 and 2;

Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 18 S., R. 2 E.,

Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 7, lots 5 and 6, S $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 12, N $\frac{1}{2}$;

Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 15, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 17 S., R. 3 E.,

Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 25, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 26, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 27, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 31, lots 2 and 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

T. 18 S., R. 3 E.,

Sec. 1, lot 1;

Sec. 3, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 4, lots 1, 5, 6, and 7;

Sec. 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 6, lots 1, 2, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 7, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, SW $\frac{1}{4}$;

Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 21, SW $\frac{1}{4}$;

Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 26, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 28, lots 5, 6, 7, and 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$;

T. 17 S., R. 4 E.,

Sec. 30, lots 1, 2, and 3, E $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 31, lots 3 and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 35, lots 1 and 2, 5, 6, 7, and 8, NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 36, lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 18 S., R. 4 E.,

Sec. 1, lots 1, 2, and 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 3, lot 1;

Sec. 10, lot 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 11, 12 and 13;

Sec. 14, lot 1, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 15, lots 1, 2, 4, 6, 13, and 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 22, lots 1, 6, 7, and 12;

Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 24, lots 11 and 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 25, lots 1, 2, 3, and 4;

Sec. 28, lots 1, 2, 3, and 4, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 14 S., R. 5 E.,

Sec. 1, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 2, lots 1 and 2, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 4, lots 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;

Sec. 6, lots 1 and 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 7, NE $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;

Secs. 8 and 9;

Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;

Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 13 and 14;

Sec. 15, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 17, NW $\frac{1}{4}$;

Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22;

Sec. 23, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 24;

Sec. 25, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

T. 17 S., R. 5 E.,

Sec. 13, lots 5, 8, 9, and 14, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, W $\frac{1}{2}$;

Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 21, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22, lots 1 and 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 23, lot 1, N $\frac{1}{2}$;

Sec. 24, lots 1, 10, 14, 24, and 28, N $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 25, E $\frac{1}{2}$;

T. 18 S., R. 5 E.,
 Sec. 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 5, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 7, lot 1 of NW $\frac{1}{4}$, S $\frac{1}{2}$ lot 2 of NW $\frac{1}{4}$,
 lots 1 and 2 of SW $\frac{1}{4}$, E $\frac{1}{2}$;
 Sec. 12, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13;
 Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, lots 1 and 2 of NW $\frac{1}{4}$, lots 1 and
 2 of SW $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, N $\frac{1}{2}$ lots 1 and 2 of NW $\frac{1}{4}$, lot 6;
 Sec. 20, lots 1, 2, 3, and 4, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$
 NE $\frac{1}{4}$;
 Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 22, lot 7;
 Sec. 23, lots 2, 3, 4, 5, 6, and 7, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$;
 Sec. 24, lots 1 to 8, inclusive, fraction N $\frac{1}{2}$.

T. 14 S., R. 6 E.,
 Sec. 10, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 11, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Secs. 14 and 15;
 Sec. 17, S $\frac{1}{2}$;
 Sec. 18, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Secs. 19, 20, 21, 22, 23, 26, 27, 28; 29, 30,
 31, 32, 33, 34, and 35.

T. 15 S., R. 6 E.,
 Secs. 1, 2, 3, 4, and 5;
 Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$
 SE $\frac{1}{4}$;
 Sec. 7, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Secs. 8, 9, 10, 11, and 12;
 Sec. 17, N $\frac{1}{2}$;
 Sec. 18, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 21;
 Sec. 31, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 16 S., R. 6 E.,
 Sec. 1, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, lot 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 17 S., R. 6 E.,
 Sec. 4, lots 8, 10, and 12;
 Sec. 6, lots 6, 7, and 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 18, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 31, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

T. 18 S., R. 6 E.,
 Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 6, lots 4 and 5;
 Sec. 7, lot 6, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$;
 Sec. 17, W $\frac{1}{2}$;
 Secs. 18 and 19.

T. 14 S., R. 7 E.,
 Secs. 31, 32, and 33;
 Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
 SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 15 S., R. 7 E.,
 Sec. 3, lots 12, 13, 14, 15, 19, 25, 26, 27,
 28, 29, 30, 31, 32, 38, 39, 40, 41, 42, 43,
 44, 45, 46, 47, 48, 49, 50, 51, and 52, NE $\frac{1}{4}$
 SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 4, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
 NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Secs. 5, 6, 7, and 8;
 Sec. 9, NW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$;
 Sec. 18.

T. 16 S., R. 7 E.,
 Sec. 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 17 S., R. 7 E.,
 Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 18 S., R. 7 E.,
 Sec. 2, lot 3, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
 NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 15, lots 5 and 6;
 Sec. 17, lots 5, 6, 7, 8, fraction N $\frac{1}{2}$;
 Sec. 18, NE $\frac{1}{4}$.
 T. 16 S., R. 8 E.,
 Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
 T. 17 S., R. 8 E.,
 Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 30, lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 18 S., R. 8 E.,
 Sec. 4, lot 1;
 Sec. 5, lots 3 and 4;
 Sec. 10, lot 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 11, lot 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands described above aggregate approximately 69,834 acres.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER the classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior (43 CFR 2461.3).

J. R. PENNY,
State Director.

[F.R. Doc. 70-16788; Filed, Dec. 14, 1970;
 8:48 a.m.]

[R-1390-A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership; Partial Termination

DECEMBER 7, 1970.

The classification of public lands for title transfer published in F.R. Doc. 70-15889 on page 18128 of the issue for Thursday, November 26, 1970, is hereby terminated insofar as it affects the land described below. Pursuant to the regulations in 43 CFR 62.4(c) (2), the land is hereby relieved of any segregative effect by the subject classification.

SAN BERNARDINO MERIDIAN
 RIVERSIDE COUNTY, CALIF.

T. 3 S., R. 3 E.,
 Sec. 18, lots 3 and 10;
 Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-16759; Filed, Dec. 14, 1970;
 8:45 a.m.]

[Montana 16583]

MONTANA

Order Providing for Opening of Public Lands

DECEMBER 4, 1970.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) as amended, the following

described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

BLAINE COUNTY

T. 37 N., R. 18 E.,
 Sec. 25, NE $\frac{1}{4}$.
 T. 36 N., R. 20 E.,
 Sec. 13, W $\frac{1}{2}$;
 Sec. 23, SW $\frac{1}{4}$;
 Sec. 25, E $\frac{1}{2}$ and SW $\frac{1}{4}$;
 Sec. 26, SE $\frac{1}{4}$.
 T. 33 N., R. 21 E.,
 Sec. 24, W $\frac{1}{2}$.
 T. 37 N., R. 21 E.,
 Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$
 NW $\frac{1}{4}$;
 Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 32 N., R. 24 E.,
 Sec. 13, all;
 Sec. 14, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
 NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$.
 T. 32 N., R. 25 E.,
 Sec. 5, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and
 SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 6, lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$
 SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
 SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$,
 and S $\frac{1}{2}$;
 Sec. 18, lots 1, 2, 3, and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$
 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 19, lots 1 and 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and
 N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and
 N $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains 6,585.2 acres.

2. The above described grazing lands are located in Blaine County and have been acquired to block up Federal land to further Federal programs. Public lands in this general area have been classified for multiple-use management and retention in Federal ownership.

3. The mineral rights in the lands were not exchanged and their status is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law the lands will at 10 a.m. on January 8, 1971, be open to application, petition, and selection under the public land laws except that all the lands are subject to multiple-use classification M 15568 and are not open to application under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. on January 8, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 70-16760; Filed, Dec. 14, 1970;
 8:45 a.m.]

MONTANA

• DECEMBER 4, 1970.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary

DECEMBER 7, 1970.

MOUNT DIABLO MERIDIAN, NEVADA

T. 13 S., R. 70 E.,
Sec. 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 14 S., R. 70 E.,
Sec. 4, NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 6, S $\frac{1}{2}$;
Sec. 7, N $\frac{1}{2}$;
Sec. 8, N $\frac{1}{2}$.
T. 14 S., R. 69 E.,
Sec. 14, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, all;
Sec. 27, all;
Sec. 28, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 19 S., R. 60 E.,
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$.
T. 19 S., R. 61 E.,
Sec. 5, S $\frac{1}{2}$;

Sec. 6, lots 1, 2, 3, 4, 5, 6, S $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lot 2, S $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Secs. 8, 9, and 10, all;
 Sec. 15, N $\frac{1}{2}$;
 Sec. 16, N $\frac{1}{2}$;
 T. 19 S., R. 62 E.,
 Secs. 7 and 18, all.
 T. 19 S., R. 63 E.,
 Sec. 9, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ portion east of Highway 93;
 Sec. 10, all east of Highway 93;
 Sec. 17, all east of Highway 93;
 Sec. 19, all east of Highway 93;
 Sec. 20, all east of Highway 93;
 Sec. 21, all;
 Sec. 23, N $\frac{1}{2}$;
 Sec. 29, N $\frac{1}{2}$;
 Sec. 30, N $\frac{1}{2}$;
 T. 20 S., R. 63 E.,
 Sec. 9, W $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ N $\frac{1}{2}$, E $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ N $\frac{1}{2}$;
 Sec. 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$, E $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, lots 60 and 61.
 T. 20 S., R. 62 E.,
 Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 13, all;
 Sec. 24, all;
 Sec. 25, all;
 Sec. 35, SE $\frac{1}{4}$;
 Sec. 36, all.
 T. 20 S., R. 63 E. (uncurveyed), if surveyed, lands will probably be described as:
 Sec. 7, all;
 Sec. 8, W $\frac{1}{2}$;
 Secs. 17, 18, 19, all.
 T. 21 S., R. 60 E.,
 Sec. 3, lots 46, 47, 48, 57, 58, 62, and 63;
 Sec. 4, lots 49, 50, 67, 69, 70, and 93;
 Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, lots 18, 19, 20, 46, 47, and 50;
 Sec. 13, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, W $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 21 S., R. 61 E.,
 Sec. 13, lot 15;
 Sec. 31, lots 53, 54, 56, 57, 62, 69, 71, 73, 75, 76, 78, 79, 81, 82, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 21 S., R. 62 E.,
 Sec. 1, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 22 S., R. 61 E.,
 Sec. 5, lots 133 and 134;
 Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 10, lots 44 and 45;
 Sec. 15, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 20, lots 33, 34, and 60;
 Sec. 22, lots 18, 19, 20, 21, 31, 32, 33, 34, 115, 124, 131, and 132.

T. 26 S., R. 63 E.,
 Sec. 19, all;
 Sec. 20, all;
 Sec. 29, all;
 Sec. 30, all;
 Sec. 31, all;
 Sec. 32, all;
 Sec. 33, all.

The land described aggregates approximately 25,400 acres of public land.
 4. The following public lands are further segregated from appropriation under the general mining laws but not the mineral leasing or material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 13 S., R. 70 E.,
 Sec. 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 14 S., R. 70 E.,
 Sec. 4, NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 5, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 6, S $\frac{1}{2}$;
 Sec. 7, N $\frac{1}{2}$;
 Sec. 8, N $\frac{1}{2}$.
 T. 14 S., R. 69 E.,
 Sec. 14, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, all;
 Sec. 27, all;
 Sec. 28, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, SW $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 19 S., R. 60 E.,
 Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$.
 T. 19 S., R. 61 E.,
 Sec. 5, S $\frac{1}{2}$;
 Sec. 6, lots 1, 2, 3, 4, 5, 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Secs. 8, 9, and 10, all;
 Sec. 15, N $\frac{1}{2}$;
 Sec. 16, N $\frac{1}{2}$.
 T. 19 S., R. 62 E.,
 Secs. 7 and 18, all.
 T. 20 S., R. 60 E.,
 Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 33, lots 60 and 61.
 T. 20 S., R. 62 E.,
 Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 13, all;
 Sec. 24, all;
 Sec. 25, all;
 Sec. 35, SE $\frac{1}{4}$;
 Sec. 36, all.
 T. 20 S., R. 63 E. (unsurveyed) if surveyed, lands will probably be described as:
 Sec. 7, all;
 Sec. 8, W $\frac{1}{2}$;
 Secs. 17 through 24, all;
 Sec. 26, all.
 T. 21 S., R. 60 E.,
 Sec. 3, lots 46, 47, 48, 57, 58, 65, and 66;
 Sec. 4, lots 49, 50, 67, 69, 70, and 99;
 Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, lots 18, 19, 20, 46, 47, and 50;
 Sec. 13, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 21 S., R. 61 E.,
 Sec. 13, lot 15;
 Sec. 31, lots 53, 54, 56, 57, 62, 69, 71, 73, 75, 76, 78, 79, 81, 82, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 21 S., R. 62 E.,
 Sec. 1, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 22 S., R. 61 E.,
 Sec. 5, lots 133 and 134;
 Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 10, lots 44 and 45;
 Sec. 15, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 20, lots 33, 34, and 60;
 Sec. 28, lots 18, 19, 20, 21, 31, 32, 33, 34, 115, 124, 131, and 132.

The land described aggregates approximately 21,300 acres of public land.

5. Segregation from appropriation under the general mining laws is terminated on the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 S., R. 71 E. (unsurveyed),
 Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The land described above totals approximately 40 acres.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2461.3.

NOLAN F. KEIL,
 State Director, Nevada.

[F.R. Doc. 70-16782; Filed, Dec. 14, 1970; 8:47 a.m.]

[Serial Nos. N-1885-A, N-2345-A]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR Parts 2420 and 2460, the public land described below is hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described land from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws. As used in this order, the term "public lands" means any lands

withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The land is located near the southern Lyon County line and northern Douglas County line, Sunrise Pass Road, a Bureau of Land Management maintained dirt roadway passes through the land. The topography of the land varies from level to rough. Recreation facilities could be developed on the meadowland.

3. The public land affected by this classification is shown on maps on file and available for inspection in the Carson City District Office, 801 North Plaza Street, Carson City, NV 89701, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, NV 89503.

4. The land involved is located in Lyon and Douglas Counties and is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 22 E.,
 Secs. 11, 12, 13, 14, that portion which encompasses the Margaret Morella, Baby Ruth, Snow Bog, Homestead, Haillo, Porcupine, Myrtle, Sunrise and Baltimore Fraction No. 1 Mining Claims;
 Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The land described aggregates 213.050 acres of public land.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3.

NOLAN F. KEIL,
 State Director, Nevada.

[F.R. Doc. 70-16783; Filed, Dec. 14, 1970; 8:47 a.m.]

[Serial No. N-257-B]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 7, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2420 and 2460, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation under the Homestead, Desert Land and Allotment Laws (43 U.S.C., Chapter 7 and 9; and 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27). The land described in paragraph 4 below is further segregated from appropriation under the general mining laws but not the mineral leasing and material sale laws. As used in this

order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 187), or at the public hearing at North Las Vegas, Nev., which was held on October 30, 1970. The record showing the comments received and other information is on file and can be examined in the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. The public lands affected by this classification are located within the following described area and are shown on maps designated N-257-B in the Las Vegas District Office, and at the Land Office, Bureau of Land Management, 300 Booth Street, Room 3104, Federal Building, Reno, NV.

3. The following described public lands are classified for multiple-use management:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 56 E.,
Secs. 11, 12, 13, 14, 24.
T. 16 S., R. 57 E.,
Sec. 17, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 18, 19;
Sec. 20, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 27, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 28, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Secs. 30, 32, 33, 34;
Sec. 35, NW $\frac{1}{4}$, S $\frac{1}{2}$.
T. 17 S., R. 50 E.,
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 57 E.,
Sec. 1.
T. 17 S., R. 58 E.,
Sec. 5, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 6, 7, 8;
Sec. 9, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 14, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 16, 21, 22, 23, 24, 25, 26, 35, 36.
T. 17 S., R. 59 E.,
Secs. 19, 20, 29, 30, 31, 32.
T. 18 S., R. 50 E.,
Sec. 1, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 2, NE $\frac{1}{4}$.
T. 18 S., R. 58 E.,
Secs. 1, 12.
T. 18 S., R. 59 E.,
Secs. 1, 2, 3;
Sec. 4, NE $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20;
Sec. 21, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Secs. 27, 29, 30, 31.

The area described above totals approximately 41,800 acres.

4. The following described public lands are further segregated from appropriation under the general mining laws:

T. 17 S., R. 50 E.,
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$, W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 51 E.,
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$.
T. 18 S., R. 50 E.,
Sec. 1, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 2, NE $\frac{1}{4}$.

T. 18 S., R. 51 E.,
Sec. 6, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.

The area described above totals approximately 2,020 acres.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2461.3.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 70-16784; Filed, Dec. 14, 1970;
8:47 a.m.]

[Serial Nos. N-1128, 2421, 4180, 4690]

NEVADA

Notice of Public Sale

DECEMBER 7, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, four parcels of land will be offered for sale to the highest bidder at 10 a.m., Tuesday, May 4, 1971, at the Ely District Office, Pioche Star Route, Ely, Nev. 89301. The lands are more particularly described below.

MOUNT DIABLO MERIDIAN, NEVADA

PARCEL NO. 1

T. 14 N., R. 69 E.,
Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$.

5 acres. Appraised value: \$600.

PARCEL NO. 2

T. 13 N., R. 67 E.,
Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

40 acres. Appraised value: \$900.

PARCEL NO. 3

T. 13 N., R. 67 E.,
Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$,
NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

87.50 acres. Appraised value: \$2,200.

PARCEL NO. 4

T. 13 N., R. 67 E.,
Sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 28, all;

1,040 acres. Appraised value: \$20,800.

The publication costs to be assessed for each parcel are estimated at \$4.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an

employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser; or (3) any corporation organized under the laws of the United States, or of any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Ely District Office, Bureau of Land Management, Pioche Star Route, Ely, NV 89301, prior to 4 p.m., on Monday, May 3, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and parcel numbers and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-1128, 2421, 4180, 4690, Parcel No. -----, 10 a.m., May 4, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

Any parcel not sold on Tuesday, May 4, 1971, shall be reoffered on the first Tuesday of subsequent months at 10 a.m., beginning June 2, 1971.

Any adverse claimants to the above described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, Pioche Star Route, Ely, NV 89301.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-16317; Filed, Dec. 14, 1970;
8:50 a.m.]

[OR 6320]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management.

DECEMBER 7, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the

regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands classified in this notice are within Linn, Lane, and Douglas Counties and are shown on maps designated OR 6920 on file in the Eugene District Office, Bureau of Land Management, 1255 Pearl Street, Eugene, OR 97401, and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, OR 97208.

The notice of proposed classification was published in 35 F.R. 15315-15316, October 1, 1970. A public hearing on the proposed classification was held October 15, 1970, at the Lane County Courthouse, Eugene, Ore. All of the comments received support the multiple-use classification of these lands. No changes have been made in the list of lands included in the proposed classification.

3. The description of the areas is as follows:

WILLAMETTE MERIDIAN

LINN COUNTY

- T. 15 S., R. 2 W.,
Sec. 10, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, lots 2 and 3.
T. 14 S., R. 1 E.,
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 14 S., R. 2 E.,
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

LANE COUNTY

- T. 15 S., R. 1 W.,
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 18 S., R. 1 W.,
Sec. 20, lot 4.
T. 19 S., R. 1 W.,
Sec. 26 SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 20 S., R. 1 W.,
Sec. 6, lots 15, 16, 17, and 18.
T. 20 S., R. 2 W.,
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 21 S., R. 2 W.,
Sec. 32, lot 1.
T. 22 S., R. 2 W.,
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 23 S., R. 2 W.,
Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 18, lots 2, 3, and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2, lots 1 and 2;
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 16 S., R. 3 W.,
Sec. 30, lot 3.
T. 22 S., R. 3 W.,
Sec. 2, lot 1;
Sec. 4, lot 1.

- T. 19 S., R. 4 W.,
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 20 S., R. 4 W.,
Sec. 6, fractional NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 19 S., R. 5 W.,
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 20 S., R. 5 W.,
Sec. 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 15 S., R. 6 W.,
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 16 S., R. 6 W.,
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 19 S., R. 6 W.,
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 20 S., R. 6 W.,
Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 20 S., R. 6 $\frac{1}{2}$ W.,
Entire township (unsurveyed).
T. 16 S., R. 7 W.,
Sec. 18, lot 2;
Sec. 26, lots 17, 18, 19, 20, and 21.
T. 17 S., R. 7 W.,
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 19 S., R. 7 W.,
Sec. 30, lots 1, 2, 3, and 4, SE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 20 S., R. 7 W.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$.
T. 16 S., R. 8 W.,
Sec. 24, lots 13 and 15.
T. 17 S., R. 8 W.,
Sec. 2, lot 5;
Sec. 6, lots 1 and 2;
Sec. 18, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, lots 1, 2, and 3;
Sec. 28, lot 1.
T. 18 S., R. 8 W.,
Sec. 2, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 4, lot 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lot 7;
Sec. 28, SE $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 19 S., R. 8 W.,
Sec. 6, lots 4 and 5;
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 9 W.,
Sec. 13, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 18 S., R. 9 W.,
Sec. 6, lot 3;
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 30, lots 1 and 4;
Sec. 31, lots 1, 2, and 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 18 S., R. 10 W.,
Sec. 3, lot 5;
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 17 S., R. 11 W.,
Sec. 19, lot 1.
T. 18 S., R. 11 W.,
Sec. 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 19 S., R. 11 W.,
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 18 S., R. 12 W.,
Sec. 2, lot 1;
Sec. 3, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 19 S., R. 12 W.,
Sec. 1, lots 1 and 2.
T. 18 S., R. 1 E.,
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

- T. 10 S., R. 1 E.,
Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 18, fractional NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$.
T. 16 S., R. 2 E.,
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, lot 9;
Sec. 30, lots 2 and 3;
Sec. 34, lot 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 2 E.,
Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 12, W $\frac{1}{2}$;
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

DOUGLAS COUNTY

- T. 20 S., R. 7 W.,
Sec. 6, lots 3, 4, 5, 6, 7, and 8.
T. 19 S., R. 8 W.,
Sec. 8, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 18, lots 1, 7, and 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 19 S., R. 9 W.,
Sec. 12, lots 1, 2, 3, 4, 5, and 6.

The areas described aggregate approximately 9,841.50 acres of public lands.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. During this 30-day period interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

ARTHUR W. ZIMMERMAN,
Assistant State Director.

[F.R. Doc. 70-16763; Filed, Dec. 14, 1970;
8:45 a.m.]

[Utah 0148284]

UTAH

Provisional Notice of Offering of Land for Sale

DECEMBER 8, 1970.

With the provisions noted below, notice is hereby given that, pursuant to the Act of September 19, 1964 (78 Stat. 988), the Secretary of the Interior intends to offer the following lands for sale:

SALT LAKE MERIDIAN, UTAH

- T. 4 S., R. 22 E.,
Sec. 17, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 5 S., R. 23 E.,
Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$.

The lands described aggregate 280 acres.

The lands were classified by Bureau motion as suitable for transfer from Federal ownership to facilitate the orderly waste disposal programs of Uintah County and the city of Vernal. The county is in the process of formulating zoning regulations. When an ordinance is passed, the lands described above will

be zoned for garbage disposal sites. The land, however, cannot be sold until after adequate zoning regulations are adopted by Uintah County and only those lands actually needed for garbage disposal will be sold.

The tract in T. 4 S., R. 22 E is located approximately 2 miles northeast of Vernal, and the tract in T. 5 S., R. 23 E. is located approximately 2 miles east of Jensen, Utah.

After the adequate zoning regulations are adopted, it is the intention of the Secretary of the Interior to enter into an agreement with the authorized officials of Uintah County and the city of Vernal to purchase those portions of the lands needed for garbage disposal purposes at the then appraised fair market value.

Any patent resulting from sale of this land will be issued under the Act of September 19, 1964, supra, and shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. The land will be sold subject to all valid existing rights and reservations for rights-of-way.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-16785; Filed, Dec. 14, 1970;
8:47 a.m.]

[Order No. 2508, Amdt. 89]

**Office of the Secretary
COMMISSIONER OF INDIAN
AFFAIRS**

**Delegation of Authority With Respect
to Specific Legislation**

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

Sec. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

(48) The Act of September 16, 1970 (Public Law 91-401, 84 Stat. 838): Which authorizes the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission docket No. 96; the Act of September 25, 1970 (Public Law 91-413, 84 Stat. 865): Which provides for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47-A, 162, and consolidated 47 and 164, and under all other acts which may authorize the Secretary of the Interior to establish

such procedures as he may deem necessary, including the establishment of trusts, to protect adequately the best interest of enrollees or their heirs or legatees who are less than 21 years of age or who are under a legal disability.

FRED J. RUSSELL,
Acting Secretary of the Interior.

DECEMBER 8, 1970.

[F.R. Doc. 70-16786; Filed, Dec. 14, 1970;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WISCONSIN

**Designation of Area for Emergency
Loans**

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Marquette

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of December 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16773; Filed, Dec. 14, 1970;
8:46 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[Docket No. B-498]

BOAT ORCA, INC.

Notice of Loan Application

DECEMBER 9, 1970.

Boat Orca, Inc., 17 A Spring Street, Cohasset, MA 02025, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot registered length wood vessel to engage in the fishery for groundfish, flounders, whiting, and fish for industrial use.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National

Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,

Division of Financial Assistance.

[F.R. Doc. 70-16815; Filed, Dec. 14, 1970;
8:50 a.m.]

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

ACTING ASSISTANT SECRETARY FOR
RENEWAL AND HOUSING MAN-
AGEMENT

Designation

G. Richard Dunnells, Acting Deputy Assistant Secretary for Renewal and Housing Management, is designated Acting Assistant Secretary for Renewal and Housing Management, with all the power and authority delegated to the Assistant Secretary for Renewal and Housing Management, during the current absence of Norman V. Watson, Deputy Assistant Secretary for Renewal and Housing Management.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This designation shall be effective as of December 10, 1970.

GEORGE ROMNEY,
Secretary of Housing
and Urban Development.

[F.R. Doc. 70-16823; Filed, Dec. 14, 1970;
8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

**Notice of Availability of Detailed
Statement on Environmental Con-
siderations**

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, related to the proposed operation of

Indian Point Nuclear Generating Unit No. 2 by the Consolidated Edison Company of New York, Inc.," is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of Dr. Eugene W. Booth, Hendrick Hudson High School, Albany Post Road, Montrose, NY, where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal, State, and local agencies. A public hearing on the application for an operating license for the Indian Point Nuclear Generating Unit No. 2, commences December 17, 1970 in Peekskill, N.Y.

Single copies of the Statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 7th day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-16758; Filed, Dec. 14, 1970;
8:45 a.m.]

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated December 8, 1970, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-69 to Pacific Gas and Electric Co. for the construction of a pressurized water nuclear reactor, designated as Unit No. 2 of the Diablo Canyon Nuclear Power Plant, at the applicant's Diablo Canyon site in San Luis Obispo County, Calif. The reactor is designed for operation at approximately 3,250 megawatts thermal.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of Provisional Construction Permit No. CPPR-69 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 9th day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-16774; Filed, Dec. 14, 1970;
8:46 a.m.]

CIVIL SERVICE COMMISSION

NURSING ASSISTANT AND LICENSED PRACTICAL NURSE POSITIONS IN SEVERAL LOCATIONS

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

[Table No. 333]

GS-621 NURSING ASSISTANT SERIES

(EXCLUDING LICENSED PRACTICAL NURSE)

Geographic coverage: New York, New York Standard Metropolitan Statistical Area (Includes New York City, Nassau, Rockland, Suffolk, and Westchester Counties).

Effective date: First day of the first pay period beginning on or after November 29, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-2-----	\$5,237	\$5,391	\$5,545	\$5,699	\$5,853	\$6,007	\$6,161	\$6,315	\$6,469	\$6,623
GS-3-----	5,734	5,908	6,082	6,256	6,430	6,604	6,778	6,952	7,123	7,290
GS-4-----	6,243	6,438	6,633	6,823	7,023	7,218	7,413	7,608	7,803	7,994
GS-5-----	6,766	6,984	7,202	7,420	7,633	7,850	8,074	8,292	8,510	8,723

[Table No. 334]

GS-621 LICENSED PRACTICAL NURSE

Geographic coverage: New York, New York Standard Metropolitan Statistical Area.

Effective date: First day of the first pay period beginning on or after November 29, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3-----	\$6,778	\$6,952	\$7,126	\$7,300	\$7,474	\$7,648	\$7,822	\$7,996	\$8,170	\$8,344
GS-4-----	7,218	7,413	7,608	7,803	7,993	8,193	8,388	8,583	8,778	8,973
GS-5-----	7,633	7,850	8,074	8,292	8,510	8,723	8,940	9,164	9,382	9,600
GS-6-----	8,023	8,266	8,509	8,752	8,995	9,233	9,481	9,724	9,967	10,210

[Table No. 335]

GS-621 NURSING ASSISTANT SERIES (EXCLUDING LICENSED PRACTICAL NURSE)

Geographic coverage: East Orange and Lyons Veterans Administration Hospitals, N.J.
Effective date: First day of the first pay period beginning on or after November 29, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-2-----	\$5,237	\$5,391	\$5,545	\$5,699	\$5,853	\$6,007	\$6,161	\$6,315	\$6,469	\$6,623
GS-3-----	5,734	5,908	6,082	6,256	6,430	6,604	6,778	6,952	7,123	7,290
GS-4-----	6,048	6,243	6,438	6,633	6,823	7,023	7,218	7,413	7,608	7,803

[Table No. 336]

GS-621 LICENSED PRACTICAL NURSE

Geographic coverage: East Orange and Lyons Veterans Administration Hospitals, N.J.
Effective date: First day of the first pay period beginning on or after November 29, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3-----	\$6,082	\$6,256	\$6,430	\$6,604	\$6,778	\$6,952	\$7,123	\$7,300	\$7,474	\$7,648
GS-4-----	6,438	6,633	6,823	7,023	7,218	7,413	7,608	7,803	7,993	8,193
GS-5-----	6,766	6,984	7,202	7,420	7,633	7,850	8,074	8,292	8,510	8,723

[Table No. 337]

GS-621 LICENSED PRACTICAL NURSE

Geographic coverage: Cook County, Ill. (Including the city of Chicago).
Effective date: First day of the first pay period beginning on or after November 29, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3-----	\$6,082	\$6,256	\$6,430	\$6,604	\$6,778	\$6,952	\$7,123	\$7,300	\$7,474	\$7,648
GS-4-----	6,438	6,633	6,823	7,023	7,218	7,413	7,608	7,803	7,993	8,193
GS-5-----	6,766	6,984	7,202	7,420	7,633	7,850	8,074	8,292	8,510	8,723

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an

equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-16745; Filed, Dec. 14, 1970;
8:45 a.m.]

TYPING AND STENOGRAPHIC SKILLS, NEW YORK CITY

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

[Table No. 900]

Occupational coverage: All positions in grades GS-2 through GS-5 with the following parenthetical titles: (Typing); or (Stenography); or (Dictating Machine Transcribing).¹

¹ NOTE: Use of any of the parenthetical titles cited indicates that a substantial requirement for the skill identified exists in the position and the requirement is of sufficient significance to warrant selective certification from an appropriate clerical register (or equivalent selectivity in noncompetitive actions). In all cases, the position description must reflect those duties which necessitated the use of the parenthetical title.

Geographic coverage: New York, N.Y. (includes the counties of Bronx, Kings, New York, Queens, and Richmond).

Effective date: First day of the first pay period beginning on or after November 15, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-2	\$5,237	\$5,391	\$5,545	\$5,699	\$5,853	\$6,007	\$6,161	\$6,315	\$6,469	\$6,623
GS-3	5,734	5,908	6,082	6,256	6,430	6,604	6,778	6,952	7,126	7,300
GS-4	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608	7,803	7,998
GS-5	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510	8,728

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an equivalent increase within the meaning of U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-16744; Filed, Dec. 14, 1970;
8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, December 17, 1970. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Radnor-Haverford-Larple Sewer Authority.* A modification of the Authority's existing treatment plant in Haverford Township, Delaware County, Pa., as an interim measure to improve the degree of treatment. Ninety percent of BOD₅ will be removed from 5.4 million gallons per day of sewage flow prior to discharge into Darby Creek.

2. *City of Bethlehem.* Utilization of two existing wells as emergency water supply sources for the City of Bethlehem. Each facility has a capacity of 1.6

million gallons per day and would be used to supply the City and surrounding service area in Northampton County, Pa.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone (609) 833-9500.

W. BRINTON WHITALL,
Secretary.

DECEMBER 4, 1970.

[F.R. Doc. 70-16816; Filed, Dec. 14, 1970;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Ronald A. Capone, Esq., Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, DC 20005.

Agreement No. 5850-15 between the member lines of the North Atlantic Westbound Freight Association deletes the present self-policing provisions of that

NOTICES

Conference and establishes new provisions pursuant to General Order 7 revised as of October 28, 1970. The new self-policing provisions are the neutral body type with further recourse to arbitration.

Dated: December 11, 1970.

By order of the Federal Maritime Commission:

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16881; Filed, Dec. 14, 1970;
8:51 a.m.]

**PITTSTON STEVEDORING CORP. AND
CHILEAN LINE, INC.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, Attorneys for Chilean Line, Inc., The Farragut Building, 900 17th Street, NW., Washington, DC 20006.

Agreement No. T-2475, between Pittston Stevedoring Corp. (Pittston) and Chilean Line, Inc. (Chilean Line), provides for Pittston to render terminal services at Chilean Line's premises at the Port Authority Grain Terminal, Brooklyn, N.Y., as outlined in the agreement. Pittston will collect dockage, wharfage, and demurrage charges from all users of the terminal and pay such charges, less cost of clerical services, to Chilean Line subject to a minimum guarantee of \$150,000 per year.

Dated: December 11, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16882; Filed, Dec. 14, 1970;
8:51 a.m.]

**PITTSTON STEVEDORING CORP. AND
CHILEAN LINE, INC.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, Attorneys for Chilean Line, Inc., The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. T-2476, between Pittston Stevedoring Corp. (Pittston) and Chilean Line, Inc. (Chilean Line), provides for Pittston to act as terminal operator and stevedore for Chilean Line as outlined in the agreement. Chilean Line agrees to employ Pittston as its sole contractor for stevedoring and related terminal services in the Port of Greater New York except when cargo must be discharged at certain locations where Pittston cannot perform services.

Dated: December 11, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 10-16883; Filed, Dec. 14, 1970;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-191]

**ALABAMA-TENNESSEE NATURAL
GAS CO.**

Notice of Petition To Amend

DECEMBER 8, 1970.

Take notice that on November 25, 1970, Alabama-Tennessee Natural Gas Company (petitioner), Post Office Box 918, Florence, AL 35630, filed in Docket No. CP70-191 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing Petitioner to rearrange sales and deliveries of natural gas to certain existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that certain of its customers have requested reductions in daily deliveries, that other customers have requested increases in daily deliveries, and that the reductions and increases offset each other so that only a rearrangement is required. The proposed rearrangement calls for the reduction of 1,500 Mcf of gas per day and 450 Mcf per day in deliveries to the city of Tusculumbia and Reynolds Metals Co., respectively, and for increases of 1,500 Mcf per day and 450 Mcf per day in deliveries to USS Agri-Chemicals, Division of United States Steel, and Muscogee Shoals Natural Gas Corp., respectively.

Petitioner states that no additional facilities or gas supply are required and there will be no appreciable overall effect on Petitioner's revenues, expenses and income.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16795; Filed, Dec. 14, 1970;
8:48 a.m.]

[Docket No. CI62-484]

ARTEX OIL CO.**Notice of Redesignation**

DECEMBER 7, 1970.

On September 14, 1970, Artex Oil Co., filed a letter to advise the Commission that effective May 25, 1970, Arco Industries ceased doing business as Arco Petroleum Co. and commenced doing business as Artex Oil Co. as evidenced by a certificate of abandonment of fictitious name dated May 28, 1970, and a certificate of corporation doing business under fictitious name dated May 28, 1970.

Accordingly, (1) the certificate of corporation doing business under fictitious name dated May 28, 1970, is accepted for filing effective as of May 25, 1970; (2) the name of the respondent in the proceeding pending in Docket No. RI70-1653 is changed from Arco Petroleum Co. to Artex Oil Co.; and (3) the name of the certificate holder in the following dockets is changed from Arco Petroleum Co. or Arco Petroleum Co. by Arco Industries to Artex Oil Co. and the related FPC gas rate schedules are redesignated with the same numerical designations:

FPC gas rate schedule No.	Certificate docket No.
1 -----	CI69-379
2 -----	CI62-484
3 -----	CI63-1082
4 -----	CI63-507
5 -----	CI69-688
6 ¹ -----	CI70-395
7 ¹ -----	CI67-1091
8 ¹ -----	CI67-1197

¹ "By Arco Industries"

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16796; Filed, Dec. 14, 1970;
8:48 a.m.]

[Docket No. RP71-51]

CASCADE NATURAL GAS CORP.**Notice of Proposed Increase in Natural Gas Rates**

DECEMBER 8, 1970.

Take notice that on December 1, 1970, Cascade Natural Gas Corp. (Cascade) tendered for filing a proposed change in its FPC Gas Tariff, Rate Schedule No. 1 (a contract dated Sept. 3, 1965), to be effective as of January 1, 1971. The filing proposes to implement the periodic price provision of article IV of the rate schedule to increase the level of rate from 21 cents per Mcf to 22 cents. The impact of the change would increase the charges to its sole jurisdictional customer, Mountain Fuel Supply Co. (Mountain Fuel) by approximately \$128,000 per annum, based on operations for the 12-month period ended July 31, 1970.

Cascade states that the filing is necessary because of the periodic increases in its purchase gas costs which become effective as of January 1, 1971, as well as increases in other operating costs. The company requests that in view of the deficiency in earnings after the proposed

increase, such increase be permitted to become effective without suspension.

Copies of the filing were served on Mountain Fuel and on interested state Commissions. Concurrently with the filing, Cascade submitted a copy of a letter from Mountain Fuel dated November 4, 1970, stating that that company does not oppose the increase in rate.

Any person desiring to be heard or to make any protest with reference to said tender should on or before December 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16793; Filed, Dec. 14, 1970;
8:48 a.m.]

[Docket No. CP66-226]

CITIES SERVICE GAS CO.**Notice of Petition To Amend**

DECEMBER 8, 1970.

Take notice that on November 27, 1970, Cities Service Gas Co. (petitioner), Post Office Box 25128, Oklahoma City, OK 75125, filed in Docket No. CP66-226 a petition to amend the order of the Commission dated August 15, 1967 (38 FPC 364), granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act so as to conform such certificate authorization to the facilities actually installed, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

On August 15, 1967, the Commission authorized Petitioner, inter alia, to install various facilities to increase the peak day capacity of its Kansas-Hugoton pipeline from 505,000 to 605,000 Mcf and to take up to an additional 100,000 Mcf of natural gas per day into such pipeline from existing sources in the Kansas-Hugoton area.

Petitioner requests that the Commission amend the above mentioned certificate authorization in the following ways:

(a) To authorize Petitioner to construct 147.2 miles of 26-inch pipeline looping its Kansas-Hugoton pipeline in lieu of the authorized 176.64 miles of 26-inch loop.

(b) To delete the authorization for an additional 135,000 Mcf per day capacity in its existing dehydration plant at the Hugoton Compressor Station, Grant County, Kans.

(c) To authorize Petitioner to construct 9.77 miles of 20-inch and 3.23

miles of 26-inch pipeline in lieu of the authorized 13 miles of 20-inch pipeline.

(d) To authorize Petitioner to construct 0.5 mile of 6-inch and 0.4 mile of 4-inch pipeline to connect three producing wells in Kearny County, Kans., in lieu of the authorized 3 miles of 6-inch pipeline, in sections of approximately 1.5 miles each, to connect to petitioner's gathering system three producing wells in Kearny County, Kans., and two producing wells in Grant County, Kans.

(e) To delete the authorization for the authorized gathering facilities to connect 301 wells in the Panoma-Council Grove Field in view of the fact that the wells were not drilled.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16797; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. CP71-153]

CONSOLIDATED GAS SUPPLY CORP.**Notice of Application**

DECEMBER 8, 1970.

Take notice that on November 25, 1970, Consolidated Gas Supply Corp., a subsidiary of Consolidated Natural Gas Co. (applicant), 4 Gateway Center, Pittsburgh, Pa. 15222, filed in Docket No. CP71-153 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing applicant to import liquefied natural gas (LNG) from Algeria into the United States, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to import for an initial term of 25 years up to 82,125 billion B.t.u.¹ of LNG annually.²

Applicant states that it is advised that the natural gas proposed to be imported will be produced and gathered in the

¹ Equivalent to approximately 73 million Mcf per year of natural gas in vaporous state at 1,125,000 B.t.u./Mcf or 200,000 Mcf per day under like conditions.

² Concurrently with the filing of the instant application, El Paso Eastern Company filed in Docket No. CP71-66 a notice of withdrawal of its application for authorization to import these volumes of LNG.

Hassi R'Mel field in Algeria by the Société Nationale de Recherche et d'Exploration des Pétroles en Algérie. The gas will be transferred to the Société Nationale pour la Recherche, la Production, le Transport, la Transformation et la Commercialisation des Hydrocarbures (Sonatrach), an Algerian government corporation. Sonatrach will cause the quantities of natural gas so produced and gathered to be transported and delivered to its liquefaction plant site, to be situated near the seaport of Arzew, Algeria. There Sonatrach will liquefy such gas, store and load LNG through its facilities into LNG tankers, at which point the LNG will be sold to El Paso Algeria Corp. (El Paso Algeria), a Delaware corporation. The LNG will then be shipped to the United States via LNG tankers owned by the El Paso Marine Co., a Liberian corporation. Aboard ship, on the high seas at a point west of the 50th meridian, west longitude, the LNG will be sold by El Paso Algeria to applicant. The LNG will be transported to a point of unloading and storage to be located at Cove Point, Md., or such other port on the eastern seacoast of the United States as applicant shall select.

Applicant states that the base import price which it will pay to El Paso Algeria is 58.5 cents per million B.t.u.,³ which includes the base cost of LNG purchased by El Paso Algeria from Sonatrach and the estimated base cost of transportation to be incurred by El Paso Algeria in causing such LNG to be shipped by El Paso Marine Co. and delivered to a terminal in Cove Point, Md. If another terminal is selected, a new base import price will be computed using the same factors and in the same manner as were utilized in arriving at the base price for Cove Point, Md. In either case, such base price will be subject to various adjustments.

Applicant states that it must seek alternative sources of gas supply if it is to maintain existing levels of service to its system and to meet the growth in requirements in the foreseeable future. Applicant further states that the proposed importation of LNG from Algeria will constitute an important and essential new source of gas supply for applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein

must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16798; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. RP71-50]

EASTERN SHORE NATURAL GAS CO.

Notice of Proposed Increases in Natural Gas Rates

DECEMBER 4, 1970.

Take notice that on November 30, 1970, Eastern Shore Natural Gas Co. (Eastern Shore) tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 1, to be effective as of January 1, 1971. The filing proposes to increase the commodity component of Eastern Shore's Rate Schedules Nos. CD-1, CD-E, G, and PS-1 by 1 cent per Mcf (from 31.4 cents to 32.4 cents) and to increase the rate level of its interruptible service under Rate Schedule No. I-1 by 8 cents per Mcf (from 42 cents to 50 cents). The impact of such changes would increase its jurisdictional revenues by approximately \$32,000 per annum based on operations for the 12-month period ended July 31, 1970.

Eastern Shore states that the filing is necessary to effectuate a partial tracking of the 1 cent per Mcf increase in the commodity component of its supplier's (Transcontinental's) Rate Schedule No. CD-3 on January 1, 1970, and a further increase thereof of 1 cent per Mcf on January 1, 1971. Eastern Shore also states that the filing reflects the traditional Seaboard cost allocation methodology using an overall rate of return of 8.25 percent. The filing also contains a "Stipulation as to Rates" providing for future rate reductions to track supplier rate reductions and a flow-through of supplier refunds.

Copies of the filing were served on Eastern Shore's jurisdictional customers and upon interested State commissions.

Any person desiring to be heard or to make any protest with reference to said tender should on or before December 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The ten-

der is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16794; Filed, Dec. 14, 1970;
8:48 a.m.]

[Docket No. CP71-154]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 8, 1970.

Take notice that on November 30, 1970, El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El Paso, TX 79909, filed in Docket No. CP71-154 an application pursuant to section 7(o) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the emergency standby sale and delivery of natural gas to Southern Union Gas Co. (Southern Union) and the construction and operation of certain pipeline facilities therefor for a limited term continuing through September 30, 1971, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso and Southern Union have entered into a Service Agreement dated October 1, 1970, which provides for the limited term emergency standby sale and delivery of natural gas to Southern Union. Upon receipt of requisite authorization El Paso will deliver up to 7,000 Mcf of natural gas daily as and when needed by Southern Union on an emergency standby basis at a point of interconnection of El Paso's and Southern Union's facilities in Hutchinson County, Tex.

The application states that the service required by Southern Union is a result of a continuing decline in production pressure of the supply sources utilized by Southern Union for service to Borger, Tex., and environs. As a result of such pressure decline, supply may not be adequate to meet the needs of existing customers during the 1970-71 heating season.

El Paso states that the total estimated cost of the proposed facilities, consisting of a tap and necessary appurtenances, is \$2,650, which will be paid for and installed by Southern Union.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

³ Equivalent to approximately 65.8 cents per Mcf at 1,125,000 B.t.u./Mcf.

to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F. R. Doc. 70-16799; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. CP71-149]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

DECEMBER 7, 1970.

Take notice that on November 23, 1970, Kansas-Nebraska Natural Gas Co., Inc. (applicant), Phillipsburg, Kans., filed in Docket No. CP71-149, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities, to increase the working gas volume of its underground storage facilities, and to provide for increased firm market demands of certain of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to accept increased volumes of exchange gas from Panhandle Eastern Pipeline Co. (PEPL) and to purchase additional volumes of gas from PEPL as provided in an exchange agreement between the parties previously authorized by the Commission's order dated June 19, 1970, in Dockets Nos. CP 70-249 and CP70-243. Said gas is to be delivered at an existing delivery point for exchange gas near Douglas, Converse County, Wyo.

Applicant seeks authority to increase the working gas of Huntsman Storage Field, located in Cheyenne County, Nebr., to a maximum of 27 billion cubic feet. Applicant states that the increase is necessary and desirable in order to balance contractual minimum gas purchase obligations and system market demands.

Applicant further seeks authority to construct and operate a new 4,000 horsepower reciprocating compressor station near Guernsey, Wyo., and approximately 162 miles of 12-inch and 16-inch pipeline in Wyoming and Nebraska.

Applicant states that the new facilities are necessary to permit it to receive exchange gas and to purchase additional volumes of gas from PEPL and to meet increased firm market demands, estimated to increase 10,000 Mcf per day during the winter season of 1971-72.

Applicant estimates that the cost of these facilities will be approximately \$9,185,000, which will be financed out of current working capital and interim bank loans, which at a later date will be funded through a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16800; Filed, Dec. 14, 1970;
8:49 a.m.]

[Project No. 1097]

LEONARD LUNDGREN

Notice of Application for New License for Constructed Project

DECEMBER 7, 1970.

Public notice is hereby given that application for new license has been filed

under the Federal Power Act (17 U.S.C. 791a-825r) by Leonard Lundgren (correspondence to: Leonard Lundgren, Post Office Box 70, Bend, OR 97701), for his constructed Jack Creek Project No. 1097, located on Jack Creek, tributary to Metolous River, in Jefferson County, Oreg., and affects lands of the United States within the Deschutes National Forest.

The existing Jack Creek Project consists of: (1) A rock fill timber-crib diversion dam about 2 feet high and 50 feet long, and a diversion canal about 11,900 feet long located on U.S. lands (2) 30-inch steel penstock about 350 feet long; (3) powerhouse containing one generating unit with 93 kw. capacity; (4) 23 kv. transmission line about 3,135 feet long extending from the powerhouse to the Applicant's home and the home of an employee of the Applicant, and (5) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16801; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. G-2335, etc.]

MID LOUISIANA GAS CO.

Notice of Petition To Amend

DECEMBER 7, 1970.

Take notice that on September 15, 1970, as supplemented on November 25, 1970, Mid Louisiana Gas Co. (petitioner) filed in Docket No. G-2335 et al., a petition to amend the orders of the Commission issuing certificates of public convenience and necessity in the subject dockets by substituting the name "Mid Louisiana Gas Company" for "Humble Gas Transmission Company," all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the certificates of public convenience and necessity issued in the subject dockets were issued to Humble Gas Transmission Co. Petitioner further states that Petitioner's Certificate of Incorporation was amended on May 4, 1970, to change its name

from Humble Gas Transmission Co. to Mid Louisiana Gas Co.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16802; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. CP70-119 (Phase I)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

DECEMBER 8, 1970.

Take notice that on November 23, 1970, Natural Gas Pipeline Company of America (petitioner), filed in Docket No. CP70-119 (Phase I) a petition to amend the order dated March 5, 1970, issuing a certificate of public convenience and necessity, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, petitioner requests that said order be amended to delete the authorization for petitioner to construct and operate: (a) Approximately 7.98 miles of 24-inch pipeline looping in Ogle and Winnebago Counties, Ill.; (b) four injection-withdrawal wells and approximately 1 mile of 6-inch gathering pipeline at the Cairo Storage Field, Louisa County, Iowa; (c) four injection-withdrawal wells and approximately 1.50 miles of 6-inch gathering pipeline at the Columbus City Storage Field, Louisa County, Iowa, and (d) two injection-withdrawal wells and approximately 0.75 mile of 12-inch gathering pipeline at the Herscher Northwest Storage Field, Kan-kakee County, Ill.

Petitioner states that it has been informed by Mid-Illinois Gas Co. that the proposed pipeline looping in Ogle and Winnebago Counties, Ill., will not be required at this time due to their pending merger with Northern Illinois Gas Co. The petitioner further states that as a result of development work in the Mount Simon formation in Iowa, any additional construction with regard to the Columbus City-St. Peter facility is being deferred. Furthermore, evaluation of withdrawals made during the winter of 1969-70 indicates that the existing facilities

at Cairo and Herscher Northwest are sufficient to meet the storage requirements of petitioner and that the additional proposed facilities are not required at this time.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16803; Filed, Dec. 14, 1970;
8:49 a.m.]

[Project No. 1553]

NEW JERSEY ZINC CO.

Notice of Application for New License for Constructed Project

DECEMBER 7, 1970.

Public notice is hereby given that application for a new license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The New Jersey Zinc Co. (correspondence to: A. L. Hayes, The New Jersey Zinc Co., Gilman, Colo. 81635) for its constructed Fall Creek Hydroelectric Plant, Project No. 1553 located on Fall Creek in Eagle County, Colo., in the region of Belden, Gilman, Redcliff, and Minturn and affects lands of the United States within White River National Forest. The last license for the project expired on June 27, 1970.

The existing project consists of: (1) A head gate and intake reservoir; (2) a 15-inch diameter pipeline approximately 3,000 feet in length extending from Fall Creek to the powerhouse; (3) a powerhouse, of concrete block construction, containing three Pelton wheels, two of which drive air compressors and the third a 100-kv-a generator.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance

with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16804; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. CP71-152]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

DECEMBER 4, 1970.

Take notice that on November 25, 1970, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP71-152 an application pursuant to section 7 of the Natural Gas Act requesting authorization to install two interconnections with Northern Natural Gas Co., operating as Peoples Natural Gas Division (Northern), and to transport gas for Northern through the use of applicant's existing system in accordance with an interconnection and transportation agreement dated November 19, 1970, between the parties, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests Commission authorization to transport up to 20,000 Mcf of gas per day for Northern through a portion of applicant's existing system in the State of Kansas. The gas is to be delivered to applicant near Ulysses, Kans., and will be transported through applicant's 26-inch Hugoton supply line and then into applicant's mainline for redelivery to Northern upstream of applicant's Haven Compressor Station in Reno County, Kans. An alternate point of redelivery will be constructed in Harper County, Kans., where a connection between Northern's system and applicant's Elk City Supply Line will be made.

Applicant states that the estimated cost of the project is approximately \$37,000, to be financed from general funds.

Applicant states that the implementation of the proposed project will increase the utilization of applicant's facilities involved in the project but will not impair its ability to serve other customers, since the proposed transportation service is interruptible at applicant's option. Further, the project will enable Northern to make available to its Eastern System volumes of gas produced in the Hugoton Field with a minimum of new facilities and at minimum cost.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16805; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket No. CP71-151]

SOUTHERN ENERGY CO.

Notice of Application

DECEMBER 7, 1970.

Take notice that on November 25, 1970, Southern Energy Co. (applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP71-151 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing applicant to import liquefied natural gas (LNG) from Algeria into the United States, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to import for an initial term of 25 years up to 205,312,500 million B.t.u.¹ of LNG annually.²

Applicant states that it is advised that the natural gas proposed to be imported will be produced and gathered in the Hassi R'Mel field in Algeria by the Société Nationale de Recherche et d'Exploration des Pétroles en Algérie. The gas will be transferred to the Société Nationale pour la Recherche, la Production, le Transport, la Transformation et la Commercialisation des Hydrocarbures (Sonatrach), an Algerian government

corporation. Sonatrach will cause the quantities of natural gas so produced and gathered to be transported and delivered to its liquefaction plantsite, to be situated near the seaport of Arzew, Algeria. There Sonatrach will liquefy such gas, store and load LNG through its facilities into LNG tankers, at which point the LNG will be sold to El Paso Algeria Corp. (El Paso Algeria), a Delaware corporation. The LNG will then be shipped to the United States via LNG tankers owned by the El Paso Marine Co., a Liberian corporation. Aboard ship, on the high seas at a point west of the 50th meridian, west longitude, the LNG will be sold by El Paso Algeria to applicant. The LNG will be transported to a point of unloading and storage to be located at Savannah, Ga.

Applicant states that the base import price which it will pay to El Paso Algeria is 65 cents per million B.t.u.,³ which includes the base cost of LNG purchased by El Paso Algeria from Sonatrach and the estimated base cost of transportation to be incurred by El Paso Algeria in causing such LNG to be shipped and delivered. Such base price will be subject to various adjustments.

Applicant states that the proposed importation will be of material assistance in alleviating gas supply problems being experienced in applicant's market area, and will provide a new source of natural gas presently in great demand for the reduction of air pollution.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16806; Filed, Dec. 14, 1970;
8:49 a.m.]

[Docket Nos. RP71-6, RP71-7]

TENNESSEE GAS PIPELINE CO. AND ALABAMA-TENNESSEE NATURAL GAS CO.

Order Amending Prior Orders Providing for Hearings, Rejecting Proposed Revised Tariff Sheets, and Accepting and Suspending Proposed Alternative Revised Tariff Sheets

DECEMBER 8, 1970.

On October 13, 1970, we issued orders in the above proceedings directing Ten-

³ Equivalent to approximately 73 cents per Mcf at 1,125,000 Btu/Mcf.

nessee and Alabama-Tennessee inter alia to indicate by appropriate notes to financial statements that each had sought Commission approval of a higher depreciation rate, that such depreciation rates had not been approved by the Commission, and that depreciation expenses were not to be charged on books of account at such higher rates.

The Commission has on its own motion reviewed these provisions of our October 13 orders. Upon reconsideration we deem it inappropriate for either to charge depreciation expenses on its books of account at a rate which is less than that claimed to establish charges to its customers for gas service. To that extent we reverse such orders of October 13, 1970, and will permit each to charge on its books of account commencing April 1, 1971, depreciation expenses calculated at its claimed depreciation rate. From April 1, 1971, until such time as the Commission prescribes appropriate depreciation rates the depreciation rates to be allowed herein should be considered to be contingent and appropriately so noted on financial statements issued to the public.

The Commission orders:

(1) The paragraph beginning at the bottom of page 3 and ending at the middle of page 4, and ordering paragraph (E) of our October 13, 1970, order in Docket No. RP71-6 (Tennessee) are to be stricken.

(2) The second paragraph on page 4, and ordering paragraph (D) of our October 13, 1970, order in Docket No. RP71-7 (Alabama-Tennessee) are to be stricken.

(3) Except as herein modified all provisions of such orders are to remain in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16807; Filed, Dec. 14, 1970;
8:49 a.m.]

[Project No. 1888]

YORK HAVEN POWER CO.

Notice of Application for New License for Constructed Project

DECEMBER 8, 1970.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by York Haven Power Co. (correspondence to: Roger D. Ley, Vice President, York Haven Power Co., Post Office Box 542, Reading, PA 19603) for its constructed York Haven Project No. 1888, located on the Susquehanna River, in Dauphin, Lancaster, and York Counties, Pa., in the vicinity of Harrisburg, Lancaster, and York.

The York Haven Project consists of: (1) A main dam about 4,970 feet long and 10 feet high (average) across the main channel of the River comprised of a combination rockfill crib with a concrete deck, a secondary dam of concrete gravity overflow type about 950 feet long

¹ Equivalent to approximately 182,500,000 Mcf per year of natural gas in vaporous state at 1,125,000 B.t.u./Mcf or 500,000 Mcf per day under like conditions.

² Concurrently with the filing of the instant application, El Paso Atlantic Co. filed in Docket No. CP71-67 a notice of withdrawal of its application for authorization to import these volumes of LNG.

across the east channel of the River, and a stone masonry wall 3,000 feet long and 20 feet high (average) forming a headrace to conduct water to the powerhouse; (2) a forebay bulkhead wall, 115 feet long, extending from the powerhouse to the transformer building, and then 475 feet to the west bank of the River; (The head gates that admit water to the International Paper Co. plant, Project No. 2095, are located in this section of the forebay wall); (3) a reservoir extending upstream about 3½ miles with a normal pool elevation of 276.5 feet (m.s.l.) and having about 1,980 acre feet of pondage and a surface area of 1,828 acres; (4) a powerhouse containing 20 generating units having an aggregate installed capacity of 19,620 kilowatts; (5) a transformer building and adjacent switching structure; (6) recreation facilities, and (7) all other facilities and interests required for operation of the project. The present recreation facilities consist of picnic areas, rental cottages, boat launching ramps, marinas, access bridge, visitors center and a fishing area. Enlargement and improvement of these facilities are planned.

According to the application: (1) The project power is used in the service area of the Metropolitan Edison Co's system, an integral part of General Public Utilities' integrated system which in turn is part of the Pennsylvania-New Jersey-Maryland Interconnection; (2) the estimated net investment in the project was \$1,356,000 for the year 1968, which is less than the estimated fair value; (3) the estimated severance damages amount to \$330,400 in the event of "takeover" by the United States; and (4) the annual taxes paid to State and local government agencies is estimated to be \$99,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16808; Filed, Dec. 14, 1970;
8:49 a.m.]

FEDERAL TRADE COMMISSION

RESPONDENTS UNABLE TO AFFORD COUNSEL

Statement of Policy

In American Chinchilla Corp., Docket No. 8774 (Dec. 23, 1969), the Commission stated its policy with respect to respondents

who are financially unable to retain counsel in the following terms:

We have no doubt that in a proper case where a showing of financial inability is made out, a respondent is entitled to counsel. We can think of nothing less conducive to fairness and due process in administrative procedures than to pit the power of the state, armed with all of the panoply of the legal machinery (funds, investigatory resources, staff of skilled attorneys, etc.) against a single individual and then to deny that individual the right to counsel when he denies the allegations and specifically asserts that he cannot afford counsel.

In the interest of further clarifying the principles established in the American Chinchilla opinion, the Commission hereby states its policies and procedures for assessing the claims of respondents who assert that they are financially unable to retain counsel.

If, at any time following the issuance of a proposed complaint, a request for counsel on the grounds of indigency is made by a natural person or partnership, the Commission shall immediately assign a Hearing Examiner for the purpose of making findings on the indigency claim. The Hearing Examiner shall furnish the claimant with a form of affidavit, shall require its prompt execution, and may conduct such interrogations of the claimant or require the production of such documents as he deems necessary in order to make findings on the claimant's alleged financial inability to retain counsel. Such findings shall be promptly forwarded to the Commission, which shall then rule on the claim on the basis of the claimant's financial condition, including his present and potential income and assets in relation to his existing obligations to provide himself and his dependents with the necessities of life.

If the Commission concludes that the claimant is financially unable to retain counsel, the matter will then be referred to the Committee on the Federal Trade Commission of the Antitrust Section of the American Bar Association for the designation of counsel from a panel of attorneys screened by such Committee as competent and available to represent respondents in Federal Trade Commission proceedings. Claimant shall thereupon have the option to accept the services of said designated counsel or to appear pro se in any subsequent proceedings.

Issued: December 15, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-16776; Filed, Dec. 14, 1970;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

MESBIC OF WASHINGTON, INC.

Notice of Issuance of License to Operate as Minority Enterprise Small Business Investment Company

On November 13, 1970, a notice was published in the FEDERAL REGISTER (35

F.R. 17454) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company by MESBIC of Washington, Inc., 3300 Rainier Avenue South, Seattle, WA 98144.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 12/13-5026 to MESBIC of Washington, Inc., to operate as a minority enterprise small business investment company.

A. H. SINGER,
Associate Administrator
for Investment.

NOVEMBER 23, 1970.

[F.R. Doc. 70-16787; Filed, Dec. 14, 1970;
8:48 a.m.]

SMALL BUSINESS INVESTMENT COMPANY OF CONNECTICUT

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

The Small Business Investment Company of Connecticut, License No. 01/02-0052, 1115 Main Street, Bridgeport, CT 06603, a licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration for approval of a change of control. Prior approval of change of control is required under § 107.701 of SBA rules and regulations (13 CFR Part 107, 33 F.R. 326).

Small Business Investment Company of Connecticut was licensed January 31, 1961. Its paid-in capital was \$252,984 as of March 31, 1970. As of August 11, 1970, 25,631 shares of its common stock were outstanding and held by 101 stockholders.

The names and addresses of the persons who propose to purchase 15,878 shares (61.9 percent) of the licensee's outstanding common stock are listed below:

Purchasers	Number of shares
Sigmund L. Miller, 2625 Park Avenue, Bridgeport CT 06604.....	2,000
Sigmund L. Miller, as Trustee for sister, Lani Schechter.....	1,000
Sigmund L. Miller, as Trustee for sister, Benita Burstein.....	1,000
Sigmund L. Miller, as Trustee for mother, Fanny Miller.....	1,000
Benita Burstein, for herself and as custodian for a minor, 140 Fairfield Woods Road, Fairfield, CT.....	1,000
Lani Schechter, 64 East 86th Street, New York, NY.....	1,100
Fanny Miller, 2625 Park Avenue, Bridgeport, CT 06604.....	500
Miss Julie Sombath, 117 Scofield Avenue, Bridgeport, CT 06605.....	160

Purchaser	Number of shares
Ben White, 212 Buena Vista Road, Fairfield, CT-----	750
Kenneth Zarrilli, 10 Oak Bluff Road, Fairfield, CT-----	500
George Jiler, 2600 Park Avenue, Bridgeport, CT 06604-----	500
Edward Jon Harrold, 1083 Cut Spring Road, Stratford, CT-----	1,700
A. Reynolds Gordon, 1 Melon Patch Lane, Westport, CT 06880—For himself and as custodian of minors—1,100, and as Trustee for Katherine and Mark Siladi, minors—700-----	1,800
Elmer Rogers, 32 East 57th Street, New York, NY-----	500
Philip Weinstein, 187 Judwin Avenue, New Haven, CT-----	778
Louis Pickow, 527 Whalley Avenue, New Haven, CT-----	250
Jack Holden, M.D., 814 Grassy Hill Road, Orange, CT-----	350
Edith Herman, 80 Cartright Street, Bridgeport, CT-----	1,000
Total shares-----	15,878

Mr. Sigmund L. Miller, attorney and a former director of the licensee, is the only person who presently owns 10 percent or more of the stock, and will control 35½ percent of the outstanding common stock after the sale. No other stockholder will own as much as 8 percent of licensee's stock after the proposed change of control.

The proposed owners do not intend to make any significant changes in management or operations, particularly in the licensee's operations and investment policy. As a regulated investment company under the Investment Company Act of 1940, the licensee will continue to pay out at least 90 percent of its net income to stockholders, with emphasis on stock dividends as a means of increasing its capitalization. There will be no change in officers and directors in connection with the transfer of shares.

SBA's consideration of the application includes the general business character and reputation of the above-named persons and their commitment to actively operate the company within the intent and purpose of the Act and SBA Regulations.

Interested persons should address their comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, within 10 days after date of publication of this notice.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in Bridgeport, Conn.

A. H. SINGER,
Associate Administrator
for Investment.

NOVEMBER 24, 1970.

[F.R. Doc. 70-16765; Filed, Dec. 14, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 207]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 9, 1970.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94350 (Sub-No. 284 TA), filed December 3, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers designed to be drawn by passenger automobiles, in initial shipments, from Ripley and Blue Mountain, Miss., to points in Alabama, Arkansas, Georgia, Louisiana, Kentucky, and Tennessee, Indiana, Illinois, Ohio, North Carolina, South Carolina, Virginia, West Virginia, Florida, Texas, Oklahoma, and Missouri, for 180 days. Supporting shipper: La Salle Homes, Post Office Box 518, Ripley, Miss. 38663. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 110420 (Sub-No. 624 TA), filed December 3, 1970. Applicant: QUALITY CARRIERS, INC., Mailing: Post Office Box 186, Pleasant Prairie, WI 53158, Office: Bristol, Kenosha County, Wis. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Waste fermenta-

tion solids, liquid, in bulk, from Harbor Beach, Mich., to Skokie, Ill., for 180 days. Supporting shipper: Dave's Laboratories, Inc., 450 State Street, Chicago Heights, Ill. 60411 (J. M. Hansen Manager Distribution Services). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 114290 (Sub-No. 55 TA), filed December 3, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, from (1) Walla Walla, Wash., to points in California and (2) from points in Umatilla, Multnomah, Marion, Washington, Polk, Lane and Benton Counties, Oreg., and Vancouver, Wash., to points in that part of California north of a line drawn east and west through Chico, Calif., for 180 days. Supporting shippers: Rogers Walla Walla, Inc., Post Office Box 998, Walla Walla, WA 99362. Robert Arneson Sales agent for North Pacific Cannery & Packers, Inc. 5200 Southeast McLoughlin Boulevard Portland, OR 97202. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 116073 (Sub-No. 145 TA), filed December 3, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooden doors and partitions and equipment, materials and supplies, including electric motors, aluminum, iron and steel tracks, rollers, screws used in the installation and operation of doors and partitions, from Dyersville, Iowa, to points in New York, Connecticut, Louisiana, Florida, Georgia, New Jersey, California, Washington, and North Carolina, for 180 days. Supporting shipper: Coll-Wal Partitions, Inc., Dyersville, Iowa 52040. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 118159 (Sub-No. 106 TA), filed December 3, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Inedible meat and meat products, from Green Bay, Wis., to Houston, Tex., for 180 days. Supporting shipper: F. & W. Meat Co.,

Dallas, Tex. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 127042 (Sub-No. 69 TA), filed December 3, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Green Bay, Wis., to points in Colorado, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, Texas, and Minnesota, for 180 days. Supporting shipper: Packerland Packing Co., Inc., Route 6, Lime Kiln Road, Box 1184, Green Bay, WI. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 128539 (Sub-No. 4 TA), filed December 3, 1970. Applicant: EAGLE TRANSPORT CORPORATION, 315 West Ridge Street, Post Office Box 2508, Rocky Mount, NC 27801. Applicant's representative: A. Donald Stallings (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk quantity, from points in Alken County, S.C., to points in Brunswick and Hertford Counties, N.C., for 180 days. Supporting shipper: United Sierra Division Cyprus Mines Corp., Box 1201, Trenton, NJ 08606. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 134071 (Sub-No. 3 TA), filed December 3, 1970. Applicant: MODULAR TRANSPORTATION CO., 421 West Fulton Street, Grand Rapids, MI 49502. Applicant's representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sectionalized buildings*, for the account of Prestige Structures, Inc., from Charlotte, Mich., to Erie, Pa., for 180 days. Note: Applicant states no tacking or interlining intended. Supporting shipper: Prestige Structures, Inc., 1111 Mikesell Street, Charlotte, MI 48113 (by Norman J. Walker, Executive Vice-President). Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 134364 (Sub-No. 4 TA), filed December 3, 1970. Applicant: A. F. & SONS, INC., 509 Liberty Street, Syracuse, NY 13204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors*, from Watertown,

N.Y., to St. Paul, Minn., for 180 days. Supporting shipper: Whirlpool Corp., St. Paul Division, 850 Arcade Street, St. Paul, MN 55106. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 134441 (Sub-No. 3 TA), filed December 3, 1970. Applicant: ARIZONA-WESTERN EXPRESS, INC., 1103 Evans Street, Los Angeles, CA 90015. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and fresh fruits and vegetables*, when moving with bananas, from points in the Los Angeles Harbor, Calif., commercial zones to Phoenix and Tucson, Ariz. Supporting shippers: Associated Grocers, Post Office Box 20511, 624 South 25th Avenue, Phoenix, AZ 85038; A. J. Bayless Markets, Inc., Post Office Box 21152, Phoenix, AZ 85036; El Rancho Super Markets, 3435 West Buckeye Road, Phoenix, AZ 85009. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135141 TA, filed December 3, 1970. Applicant: HAND H EXPEDITING SERVICE, INC., 7076 Ruskin Lane, Upper Darby, PA 19082. Applicant's representative: John H. Toal, 21 West Front Street, Media, PA 19063. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having prior or subsequent movement by air, between Philadelphia International Airport, Philadelphia, Pa., and points in New Castle County, Del., for 180 days. Supporting shipper: General Motors Corp., Post Office Box 1512, Boxwood Road, Wilmington, DE 19899; Joyce Expediting Service, Inc., 5794 Twelfth Street, Detroit, MI 48208. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Philadelphia, PA 19102.

MOTOR CARRIERS OF PASSENGERS

No. MC 125221 (Sub-No. 4 TA), filed December 1, 1970. Applicant: BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, 3869 Park Avenue, St. Louis, Mo. 63110. Applicant's representatives: Guilfoil, Symington & Petzall, 818 Olive Street, Room 434, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Waterloo, Ill., and St. Louis, Mo., from St. Louis, Mo., across the Veterans Bridge, to East St. Louis, Ill., thence south on Sixth Street, to Broadway Street, thence east on Broadway Street, to Eighth Street, thence South on Eighth Street, to State Highway 3, thence south on State Highway 3 to Water Street, thence continue

on State Highway 3 through Dupo, Ill., to Columbia Road, thence southeast along Columbia Road, to Main Street, thence South on Main Street, to its junction with State Highway 3, thence south on State Highway 3 to First and Market Streets, Waterloo, Ill., and return over the same route serving all intermediate points, for 180 days. Supported by: Mayor Robert C. Krump, Waterloo, Ill.; Mayor W. H. Kremmel, Columbia, Ill.; Mayor Barney Metz, Dupo, Ill. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16811; Filed, Dec. 14, 1970; 8:50 a.m.]

[Notice 625]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 8, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72457. By order of December 1, 1970, the Motor Carrier Board approved the transfer to Leon Trans., Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-93147 issued January 11, 1961, to Jatar Trucking, Inc., Brooklyn, N.Y., authorizing the transportation of general commodities, with exceptions, over various specified highways, between Newark, N.J., and Peekskill, Port Chester, White Plains, and Elmsford, N.Y., serving all intermediate points. Arthur L. Max, 744 Broad Street, Newark, NJ 07102, attorney for applicants.

No. MC-FC-72478. By order of December 1, 1970, the Motor Carrier Board approved the transfer to The H and H Co., a Maryland corporation, Owings Mills, Md., of the operating rights in certificate No. MC-96424 issued February 16, 1961, to W. E. Harr, Inc., Luther-ville, Md., authorizing the transportation of horses (other than livestock) and equipment and paraphernalia incidental to the care, transportation and exhibition of such horses between points in Maryland, on the one hand, and, on the other, Charles Town, W. Va., and points in Delaware, New Jersey, Pennsylvania,

New York, Virginia, Maryland, and the District of Columbia. Lloyd J. Hammond, 104 Jefferson Building, Towson, MD 21204, attorney for applicants.

No. MC-FC-72510. By order of December 2, 1970, the Motor Carrier Board approved the transfer to Okmulgee Express, Inc., Tulsa, Okla., of the operating rights in certificate No. MC-126616 issued June 22, 1965, in the name of Cherokee Freight Lines, Inc., Tahlequah, Okla., authorizing the transportation of General commodities, with usual exceptions, between Tulsa, Okla., and Wagoner, Okla., serving no intermediate points and serving Wagoner for the purpose of joinder only; between Wagoner, Okla., and Stilwell, Okla., serving all intermediate points; and between Stilwell, Okla., and Westville, Okla., serving all intermediate points. Rufus H. Lawson, 2400 Northwest 23d Street, Post Office Box 75124, Oklahoma City, OK 73107, attorney for applicants.

No. MC-FC-72523. By order of December 1, 1970, the Motor Carrier Board approved the transfer to Harry Kopf Horse Transportation, Inc., East Northport, N.Y., of the operating rights in certificates Nos. MC-10366 and MC-10366 (Sub-No. 1) issued March 1, 1941, and April 15, 1946, respectively, to Harry Kopf, Westbury, N.Y., authorizing the transportation of horses, groom's household goods and equipment, between New York, N.Y., on the one hand, and, on the other, Washington, D.C., Wheeling, W. Va., Raleigh, N.C., West-Ossipee, N.H., Lexington, Ky., Wilmington, Del., Aiken and Columbia, S.C., Bar Harbor and Portland, Maine, Chicago and Lake Forest, Ill., Boston, Fall River, and South Hamilton, Mass., Providence, Newport, and Narragansett, R.I., Ambler, Penlynn, and Philadelphia, Pa., Youngstown, Columbus, and Cincinnati, Ohio, Augusta, Atlanta, and Savannah, Ga., West Palm Beach, Delray Beach, and Miami, Fla., Darien, New Haven, Greenwich, and Fairfield, Conn., Peapack, Rumson, Eatontown, Jersey City, and Bordentown, N.J., Monkton, Laurel, Havre de Grace, Bowie, and Baltimore, Md., and Middleburg, Warrenton, Upperville, Flint Hill, Boyce, Port Royal, Richmond, Orange, and Culpeper, Va., traversing Indiana for operating convenience only; and flowers and plants, during the season extending from March 1, to December 31, inclusive, of each year, between points in Nassau County, N.Y., on the one hand, and, on the other, points in Connecticut,

Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, NY 11432, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16812; Filed, Dec. 14, 1970;
8:50 a.m.]

[Ex Parte No. MC-64; General Temporary
Order 5]

TRANSPORTATION OF PASSENGERS OR PROPERTY BY MOTOR VE- HICLES

Cessation of Normal Railroad Trans- portation Occasioned by Work Stoppages

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 10th of December 1970.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal railroad transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a) (6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, the common carriers by railroad are unable to transport passengers and property tendered to them; and that an emergency exists in all sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to ren-

der the required motor service necessary in the public interest and to the national defense:

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any regional director, assistant regional director, or district supervisor of the Commission's Bureau of Operations are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such regional director or district supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said regional director, assistant regional director, or district supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail carrier service shall have been re-instituted, except as to passengers or property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 10th day of December, 1970.

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16813; Filed, Dec. 14, 1970;
8:50 a.m.]

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